

WHAT THE LEAGUE  
OF NATIONS IS

able margin of safety was provided) to buy foreign currencies for the payment of interest to foreign lenders. Even at the height of the crisis that provision worked. Austria produced the necessary quantity of schillings, Greece the necessary drachmae, Bulgaria the necessary levas, and so on. But they could no longer buy the required pounds and francs and dollars with them. They were compelled to say, as one after another of them did say, "Here is the money for the interest-payments; we cannot change it into foreign currencies at present, so we will pay it into a special account in our national bank, and as soon as the world gets normal again we will change it into foreign currencies and pay off all our arrears." Enemies of the League seized with some eagerness on the opportunity to attack its whole loan policy, but there was little justification for the criticism. Nothing had gone wrong with the League loans—everything, indeed, had gone strikingly right with them—till the world-crisis came, and that crisis had the same effect on many borrowing States as it had on numbers of stable and reputable companies in Great Britain which in 1930 and subsequent years were compelled for the first time to pass their ordinary, and often enough their preference, dividends. In October 1932 the League Council issued an urgent appeal to the defaulting States to do their utmost to meet their obligations. There were no other steps it was competent to take.

One word is called for regarding another very useful service rendered by the League to individual Governments. In 1927 Portugal sought the League's assistance regarding the reconstruction of its finances and the raising of a loan. As usual, a strong expert commission was sent to the country to study the situation on the

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# WHAT THE LEAGUE OF NATIONS IS

H. WILSON HARRIS

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# तोधपुर विश्वविद्यालय प्रन्थालय

जूली संस्था

नक संस्था

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## FOREWORD

THE demand for the original edition of this volume was such as to suggest that it to some degree succeeded in achieving its purpose, which was to tell in a small compass the plain story of how the League of Nations was created, and what it had done and was doing. There seemed reason to believe that a statement was needed, and it is now clear that it was. A second edition, considerably revised and published in 1927, took the story of the League down to the end of the Seventh Assembly in September 1926. The present volume, with many further revisions and additions, covers the first thirteen Assemblies. If it is objected, as it may be, that the record is in many respects incomplete, in that (for example) neither the Disarmament Conference nor the Manchurian dispute is rounded off, the answer is that the League never stands still. A writer who waited for one episode to end would find another in full progress, and the same difficulty facing him as before. All that can be done is to pick up the half-told story from time to time and bring it up to date.

H. WILSON HARRIS

ABINGER COMMON

*October 1932*

## CONTENTS

CHAPTER	PAGE
FOREWORD	7
I. HOW THE LEAGUE BEGAN	11
II. THE PURPOSE OF THE LEAGUE	17
III. THE STRUCTURE OF THE LEAGUE	24
IV. THE LEAGUE AND LABOUR	38
V. THE COURT OF INTERNATIONAL JUSTICE	45
VI. HOW DISPUTES ARE SETTLED	52
VII. DISARMAMENT	68
VIII. RECONSTRUCTING EUROPE	78
IX. THE LEAGUE'S BUSINESS SIDE	93
X. THE WORLD'S HEALTH	104
XI. HUMANITARIAN EFFORT	111
XII. THE MANDATE SYSTEM	123
XIII. THE SAAR AND DANZIG	132
XIV. THE LEAGUE AND MINORITIES	139
XV. AFTER THIRTEEN YEARS	146
INDEX	153

# WHAT THE LEAGUE OF NATIONS IS

## CHAPTER I

### HOW THE LEAGUE BEGAN

The Peace Conference and the Covenant—How the ground had been prepared—The framing of the Covenant—The signing of the Treaty—The first Council Meeting

ON a close afternoon at the end of April 1919 the Banqueting Hall of the Quai d'Orsay, in Paris, was crowded with Peace Conference delegates and officials. A Plenary Session was in progress. M. Clemenceau, in the chair, leaned forward on the table, his hands in their inevitable grey gloves clasped in front of him. On his right was President Wilson, on his left Mr. Lloyd George. Round the horse-shoe tables that filled the room the fifty or sixty other plenipotentiaries were ranged. The business before the Conference was the adoption of the Covenant of the League of Nations and the appointment of a Council and Secretary-General for the League.

The speeches, for the most part admirable but unnecessary, droned on till the hands of the clock pointed to five. The orator then on his feet subsided. M. Clemenceau suddenly rose. "Does anyone else desire to speak?" he demanded, continuing without perceptible pause, "The resolution has been moved and seconded. Is there any opposition? The resolution is carried." So, in a manner, did the League of Nations spring to birth.

But in a manner only, for till the Peace Treaty that embodied the Covenant was ratified the League could

have no active existence. It was not till January 1920 that it entered on the plenitude of its power. In that month another scene, equally memorable in the history of the League, was enacted in an adjoining chamber of the same Ministère des Affaires Étrangères at Paris, when, at a minute or two after 10.30 on the 16th, M. Léon Bourgeois, President of the French Senate, rising from his seat at the head of an oval table underneath the famous clock in the Salle de l'Horloge, pronounced a dozen words that will stand on record as historic "Messieurs, la séance du Conseil de la Société des Nations est ouverte."

Round the table were grouped a Prime Minister (M. Venizelos), two Foreign Secretaries (Lord Curzon and M. Paul Hymans), an Italian Senator, three Ambassadors, and the Secretary-General of the League (Sir Eric Drummond). Mr Lloyd George had a seat among the spectators, and before the sitting was far advanced a commanding, black-spectacled figure had risen by request from his place in the body of the hall and moved to the table, that Lord Grey of Fallodon might receive thus publicly and in due form the thanks of the Council for his part in preparing the soil for the growth of the ideals of the League of Nations.

The preparation of the soil had, in fact, been going forward long before the lifetime of Lord Grey, or the oldest man present with him in the Salle de l'Horloge on that day, for the League as a political conception was an inevitable outcome of the developing contacts between nations induced by the swiftly increasing efficiency of physical communications through the whole, and particularly the latter half, of the nineteenth century. If the war brought a momentary set-

back to that impulse to closer co-operation between nations, it gave it in reality a new impetus by displaying before the world the two inevitable alternatives, on the one hand still closer co-operation in the interests of peace, and on the other drift, devastation, and despair.

As early as 1914 definite plans for the construction of a League of Nations were attracting some public attention in Great Britain, and in 1916, at the instance of Lord Robert Cecil, a strong Foreign Office Committee, under the chairmanship of Lord Phillimore, was appointed to work out a plan. Simultaneously public men in other countries, notably President Wilson and ex-President Taft in America, M. Léon Bourgeois in France and (a little later) General Smuts in South Africa, were proceeding independently along the same lines. The result was that when the Peace Conference met at Paris at the beginning of 1919 the delegates were already committed to the creation of the League, for the last of President Wilson's famous Fourteen Points, on the basis of which the Allies had offered, and Germany had accepted, the Armistice, stipulated that "a general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike."

In point of fact the framing of the League of Nations Covenant was the first piece of work put through by the Peace Conference. The task was entrusted to a special commission, appointed at one of the earliest sittings of the Conference. President Wilson was its chairman, and among its members were some of the most prominent men then in Paris. Lord Robert Cecil

was one of them, so was General Smuts, so were M Venizelos of Greece, M Léon Bourgeois of France, Signor Orlando of Italy, M Paul Hymans of Belgium, Baron Makino of Japan, Dr Wellington Koo of China. Four delegations, the British the American, the French, and the Italian had worked out schemes of their own. The two latter were set aside and the Commission took as its basis a composite draft embodying the chief features of the British and American plans. No body of men in Paris worked harder and none with greater harmony. The fabric of the Covenant, as President Wilson, influenced by his Presbyterian ancestry, insisted on calling it, took shape swiftly. On various points there were differences of opinion. That was inevitable. The British and Americans at first wanted a Council consisting only of Great Powers, but the smaller States insisted on getting places, and got them. The French wanted a League army, or, failing that, a League general staff, but all President Wilson and Lord Robert Cecil would agree to was a standing committee of naval and military experts to advise the Council. President Wilson wanted nothing but arbitration in the case of disputes. Lord Robert Cecil was for adding a formal Court of Justice to deal with legal questions, and provision for the creation of such a Court was inserted in the Covenant.

The League Commission laid its first draft of the Covenant before the full Peace Conference in the middle of February. It was provisionally approved and published, so that the Commission could profit by criticism in the Press and elsewhere. Thirteen neutral States were invited to Paris to give their views on the plan the Allied delegates had prepared. In the light of their comments, of opinions expressed in other quarters,

and in particular of the representations made to President Wilson when he went back to America for a flying visit at the end of February, the first draft was reconsidered and put into final shape. At the end of April the Commission's text was adopted without the change of a comma by the full Conference, being the first part of the Treaty of Versailles to be thus formally approved by the whole body of delegates. For it had already been decided that the Covenant should form part of the Treaty, so that no State could make peace with Germany without at the same time making itself a member of the new international society designed to keep peace for the future between all nations. Germany herself was not permitted to join the League at that time, though she was ready to do so, and it was not till more than seven years later that she first took her place among League members.

At the end of June the Treaty, and as a consequence the Covenant, was signed in the Hall of Mirrors at Versailles. But a treaty is not effective till ratified by a certain agreed number of signatories, and it was another six months before the Treaty of Versailles came into force. Till that happened the League could have no actual existence. But full use was, in fact, made of the interval, for the chief official of the League, its first Secretary-General, Sir Eric Drummond, had been nominated in an Annexe to the Covenant itself, and between June 1919 and January 1920 he was able, with funds advanced by the British Government, to build up a staff in temporary offices in London, so that when the Treaty of Versailles came effectively into operation on January 10th the League machinery was already in existence, not merely on paper but in actual flesh and blood, and the preparations for the first

Council meeting on January 16, 1920, were as efficient as those for the sixty-first meeting in September 1930. With the holding of that meeting in the Clock Room of the French Foreign Office the League of Nations' public career was begun.

## CHAPTER II

### THE PURPOSE OF THE LEAGUE

Who the Members are—The Covenant analysed—Tasks outside the Covenant

BUT to explain how the League of Nations began is by no means the same thing as explaining what the League of Nations is. The latter question can be answered partly by examining the League's actual constitution and partly by reviewing, however briefly, what it has actually done in its first seven years of existence. The present chapter will be devoted to the former task, the rest of the book to the latter.

Out of the Peace Conference, as has been shown, there came the League of Nations Covenant. The Covenant, containing a Preamble, twenty-six Articles and two Annexes, laid down briefly what States the League was to consist of, what work it was to do, and how it was to do it. The membership question may be considered first. The theory of the League has always been that it shall include all nations, but never that it shall include them automatically. Apart from the original members, States desiring to join the League have to make definite application, fulfil certain conditions, and give certain assurances.<sup>1</sup> But the great majority of the States of the world did, in fact, come in as original members. They fell into two categories, the Allied Powers who signed the Covenant as part of the Treaty of Versailles, and a certain number of

<sup>1</sup> The precedent of inviting a State to join was set by the League Assembly in the case of Mexico in 1931 and followed in the case of Turkey in 1932.

neutrals specially named in an Annexe to the Covenant, who were invited to join and accepted

There were thirty-one Allied signatories, of whom three never ratified the Treaty, and therefore never became members of the League, and thirteen neutrals One State, China, though it never signed the Treaty of Versailles, did sign and ratify the Treaty of St Germain with Austria, which (like the treaties with Hungary and Bulgaria) also embodies the Covenant, and entered the League that way. The total number of League members at the opening of the First Assembly in 1920 was therefore forty two. During that Assembly six new members were admitted, and another eight at the Assemblies of 1921, 1922, 1923, 1924, and 1925 the membership of the League at the end of the Seventh Assembly being thus fifty-six. Brazil then gave notice of resignation and Costa Rica dropped out about the same time owing to difficulties about her subscription. On the other hand, Mexico joined the League in 1931 and Turkey and Iraq in 1932, so that the total membership at the end of the Thirteenth Assembly (in 1932) was fifty seven.<sup>1</sup> The most notable absentees were then the United States, Russia, and Brazil. The

<sup>1</sup> Made up as follows —

*Original Allied Members*

Belgium	France	Peru
Bolivia	Greece	Poland
British Empire	Guatemala	Portugal
Canada	Haiti	Rumania
Australia	Honduras	Serb-Croat Slovene State
South Africa	Italy	Siam
New Zealand	Japan	Czechoslovakia
India	Liberia	Uruguay
China	Nicaragua	
Cuba	Panama	

Argentine Republic, though it never actually resigned from the League, had never figured as a full member since its delegates walked out of the First Assembly in 1920 as result of a petty dispute. But in September 1932 the Government and the Chamber resolved on the payment of the country's subscription to the League from that time on. The principal qualification for entry into the League is that of being a "fully self-governing State, Dominion, or Colony," though one or two of the original members, notably India, could hardly have passed that test. In addition to India the four Dominions of Canada, Australia, South Africa, and New Zealand came in as full members independent of Great Britain, and the Irish Free State was admitted subsequently (in 1923) on the same basis.

But the question of whom the League was to consist is hardly as important as the question of what it was to do. That is clearly enough set out in the Covenant itself, and nowhere more clearly than in the Preamble, which defines the League's objects so clearly as to be worth reproducing as it stands.

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*Original Neutral Members*

Argentine Republic	Norway	Spain
Chile	Paraguay	Sweden
Colombia	Persia	Switzerland
Denmark	Salvador	Venezuela
Netherlands		

*Subsequently admitted*

Albania, 1920	Hungary, 1922
Austria, 1920	Irish Free State, 1923
Bulgaria, 1920	Abyssinia, 1923
Finland, 1920	San Domingo, 1924
Luxemburg, 1920	Germany, 1926
Estonia, 1921	Mexico, 1931
Latvia, 1921	Turkey, 1932
Lithuania, 1921	Iraq, 1932

## THE HIGH CONTRACTING PARTIES

In order to promote international co-operation and to achieve international peace and security

- by the acceptance of obligations not to resort to war
- by the prescription of open just and honourable relations between nations
- by the firm establishment of the understandings of international law as the actual rule of conduct among Governments and
- by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another

Agree to this Covenant of the League of Nations

As a general statement of purpose the Preamble serves well enough, but something much more explicit was needed than that. After all the Covenant, familiar though it may be to day simply as the charter of the League, is a binding international treaty, whose signatories pledge themselves solemnly to do or not to do certain things to take or to refrain from taking certain action. It is in that light that the twenty six articles of the Covenant must be read. There is no need to analyse them in detail here for the remainder of this book is devoted to explaining how the provisions of the Covenant are carried out in actual practice. Summarized briefly the contents of the Covenant are as follows —

Articles I to VII deal with conditions of membership of the League, with its constitution (Assembly Council and Secretariat) and with questions of procedure.

Articles VIII and IX pledge signatories to a reduction of armaments in general and to certain specific steps to that end.

Articles X (which President Wilson always regarded as the pivot of the League) binds members to respect and preserve

one another's independence and sovereignty against external aggression.

Articles XI to XV lay down alternative procedures to be followed in the case of disputes between States members of the League.

Article XVI prescribes penalties and measures of restraint to be invoked against any State which goes to war in violation of its Covenant pledges.

Article XVII extends the procedure in the case of disputes to non-members of the League.

Articles XVIII to XXI provide for the publicity of treaties; for the reconsideration of obsolete or non-applicable international engagements; and for the abrogation of commitments inconsistent with the Covenant.

Article XXII establishes the mandate system (see Chapter XII).

Articles XXIII to XXV commit the signatories to co-operating on an international scale over a wide field of social and humanitarian activities.

Article XXVI defines the procedure for the amendment of the Covenant itself.

This is, of course, no more than the barest outline of the contents of the twenty-six articles. The serious student of the League must examine their text in detail, for the Covenant is no mere academic and idealist manifesto, but a series of definite and specific obligations, no less binding than the other sections of the Treaty of Versailles, which limit Germany's armaments, or fix the frontiers of Poland, or exact reparations. No analysis of the Covenant ought in any case to be regarded as exhaustive, for the Covenant itself is not exhaustive and was never meant to be. If it had to be conceived of as rigidly limiting the sphere of activity of the League it might justly be condemned as embodying the worst vices of a written constitution. What it does represent is the minimum advance signatory States were prepared in 1919 to

make in the direction of international co-operation No one can compel any one of them to go beyond the Covenant, for there is no overruling of minorities by majorities at Geneva Outside the explicit pledges embodied in the Covenant every State retains its full liberty of action On the other hand—and this is much the most important side of the question to emphasize—States which meet in Council or Assembly at Geneva are, of course, perfectly free to take by unanimous agreement any kind of action that seems wise, whether it falls strictly within the four corners of the Covenant or not, though it is not quite clear, strictly speaking, how far they would be justified in using League machinery, notably the Secretariat, for carrying out what was not specifically a League decision

In point of fact it would be hard to find any Article in the Covenant to cover what is perhaps the most important work the League has yet achieved, the preparation and administration of the financial reconstruction schemes in Austria, Hungary, and Greece It is as a starting point, and no more than a starting-point, in international co-operation that the Covenant must be regarded That was how its actual framers at Paris in 1919 did regard it So far, at least, they could see ahead For the rest, the League should shape its own course as it lived and worked So, accordingly, it is shaping it Whether the Covenant is amended so as to enlarge the scope of the League's work, or whether the scope is simply enlarged without direct reference to the Covenant, matters relatively little, though the adoption of the latter course might leave it open for the validity of some particular decision to be challenged subsequently The Covenant was necessary, for no nation will undertake indefinite obligations,

and it had to be made perfectly clear to what every Member-State was binding itself in entering the League. But for the League to regard itself as fettered by what was meant to be a charter of broadening and developing action would be fatal. Fortunately no signs of such a danger have appeared, and the disquiet caused at the Seventh Assembly by a well-intentioned resolution of Lord Cecil's which seemed to point to some limitation of the League's activities showed how important delegates felt it to keep every avenue of advance and expansion open.

## CHAPTER III

### THE STRUCTURE OF THE LEAGUE

The Assembly—The Council—How the Council is chosen—  
The Unanimous Vote—The Language Problem—Technical  
Organizations and Advisory Committees—the Secretariat—  
The League's Finance

THE working machinery of the League is partly what the Covenant laid down and partly what practical experience has since dictated. The Covenant provided for three main wheels in the mechanism, an Assembly, a Council, and a permanent Secretariat, and indicated how the Assembly and the Council should be constituted and the Secretariat appointed. Practical experience has shown that, while these three bodies are, and must be, the chief instruments of the League's activity, a field of work so wide and varied makes expert advice on many questions essential, and there has, therefore, been built up a series of technical committees (on financial and economic problems, transit questions, health, and so forth), each of them served by a corresponding technical section of the Secretariat, to advise the Council on particular questions. Since the advice is practically always taken, the committees tend to have in effect the status of autonomous bodies reaching what are in practice final conclusions on the questions they handle.

The vital difference between the Assembly and the Council is that the former consists of representatives of all States members of the League, and the latter of representatives, originally of only eight, later of ten, and later still of fourteen, States. To the Assembly each State may send three delegates, though the whole

delegation casts only a single vote. Most States in addition send three or four delegates-substitute, for there is heavy committee-work to be got through when the Assembly is sitting, and a delegation of only three members is hardly equal to the strain. The British delegation, for example, to a League Assembly, usually consists of three full delegates, three or four substitute-delegates, and a certain number of expert advisers from the various Government Departments in Whitehall, together with private secretaries, typists, and one or two messengers—the total contingent, including all grades, numbering perhaps thirty to forty persons.

Every country appoints its delegates in its own way. In practically every case the Prime Minister nominates them, and it is understood that while the speech of a delegate from an Assembly platform need not be held to commit the Government represented to the views expressed, the vote given by a delegation on any question is given on behalf of its Government. There is, therefore, room for a certain play of individual opinion within a delegation—Germany, for example, used regularly to include in her delegation representatives of four political parties—but at the same time the essential principle that the Assembly is a body of responsible delegates speaking in the name of their respective Governments is maintained. For that principle to be as effective as it should be it is clearly necessary that the head of the delegation at any rate should be a Cabinet Minister fully cognizant of the mind of his Ministerial colleagues. As things are there is hardly a Foreign Minister in Europe—considerations of distance apply in other cases—who does not to-day consider it an essential part of his duty to attend the League Assembly each September.

Under the Covenant (Article VII) women are qualified equally with men to hold any position in the League, including that of delegate at the Assembly. It was not, however, till 1929 that any State (Lithuania was the pioneer) sent a woman as full delegate to the Assembly, though Great Britain, Australia, Rumania, and the three Scandinavian countries regularly included a woman among their delegates substitute.

The Assembly meets regularly at Geneva every September. Its first business is to verify the credentials of all the delegates, i.e. to make sure that they have been appointed in proper form by their Governments, and elect a President for the month's sessions. The first week or so of the discussions is devoted mainly to considering a report by the Secretary General on the work of the Council which means in effect the whole work of the League in the twelve months just concluded. At the same time the business of the Assembly is shared out among six large committees, on each of which every delegation is entitled to a place, whose business is to thrash out each subject in detail and report finally to the full Assembly, which can usually accept the conclusions as they stand, thereby saving itself a great deal of time and trouble. The six classes of questions dealt with by the six committees are (with slight variations from year to year) —

- I Legal and Constitutional quotations
- II The League's Technical Organizations (e.g. the Economic Health and Transit Commissions)
- III Disarmament
- IV The League's Budget
- V Humanitarian questions
- VI Political questions (including mandates)

Questions can be placed on the Assembly agenda at the request of a Government, or by the Council, or by decision of the Assembly itself, or as a legacy from the preceding Assembly.

Though the Assembly may be likened roughly to a Parliament, and the Council to a Cabinet, the analogy can easily be misleading and must not be pressed. Some questions (e.g. the admission of new members) are assigned by the Covenant definitely to the Assembly and some (e.g. mandates) definitely to the Council, while some (e.g. amendments of the Covenant) call for action by both bodies. As a matter of practice the Council tends to become very much the executive of the Assembly, for the simple reason that it is small enough to meet often and be called together in case of need at short notice, while so large a body as the Assembly is never likely to sit, except in some case of special emergency, oftener than once a year. The great value of the Assembly is as a forum of free and public discussion—in its first thirteen sessions it has never held a private sitting—and most of its decisions take the form of a recommendation to the Council to get some desired action taken.

The Council itself is limited in numbers, partly in the interest of convenience and efficiency and partly to give the more important States a predominance which they do not enjoy in the Assembly, where every State sends three delegates and every delegation has one vote. In the Council, Great Britain, France, Italy, Japan, and Germany have permanent seats, and a certain number of other members are elected annually by the Assembly. The expedient of putting all States on the same level in the Assembly, but giving the greater ones the advantage of permanent places in

the Council, is a little like that adopted by the framers of the Constitution of the United States, who gave each State, great or small two seats in the Senate, but provided that representation in the House should be on the basis of population

Under the Covenant the "non permanent" members of the Council, i.e. those elected annually by the Assembly, were to be four in number, and the first four—Belgium, Spain, Brazil, and Greece—were actually named in the Covenant itself At the First Assembly in 1920, China was substituted for Greece At the Second Assembly all the four non permanent members then sitting were re-elected At the Third their number was increased from four to six, Belgium, Spain, Brazil and China being re-elected and Sweden and Uruguay added At the Fourth Czechoslovakia was substituted for China, and at the Fifth and Sixth the six then sitting were re-elected It was never intended that the permanent members of the Council should all be Allied Powers, as they in fact were till September 1926 In that month the entry of Germany with a permanent seat on the Council broke what was sometimes termed "the ring of victors," and the intention has always been that if and when the United States and Russia join the League each of them will occupy a permanent Council seat

At the Seventh Assembly, in 1926, the constitution of the Council was radically changed, as a result of the demand of Spain, Brazil, and other States for permanent seats simultaneously with the grant of one to Germany That demand could not be conceded, but in an endeavour to meet the desires of the Powers in question it was decided to increase the number of

non-permanent members of the Council from six to nine, to arrange that each member should sit for three years and that three should retire each year, and that outgoing members should not be re-eligible during the ensuing three years unless the Assembly by a two-thirds vote decreed otherwise. This possibility of re-eligibility for a second consecutive term (or more) would, it was hoped, satisfy the claimants to permanent seats by giving them instead what came to be called "semi-permanent" seats, tenable so long as two-thirds of the Assembly approved. As things turned out, however, Brazil and Spain gave notice of withdrawal from the League in spite of everything, and Poland alone, at the elections of 1926, was awarded the badge of re-eligibility (which in all subsequent years was to be awarded at the end, not at the beginning, of a State's term of office). Spain, however, withdrew her resignation in 1928 before it had become effective, and was elected a non-permanent member of the Council in the same year.

As a matter of actual practice certain groups of States have come to enjoy a tacitly acknowledged right to have one or more representatives always on the Council. The Latin-American countries, for example, expect to have one of their number elected every year, so that there are always three of them on the Council; the three Little Entente States (Czechoslovakia, Jugoslavia; and Rumania) get elected in turn; and there is another less clearly defined group of smaller European States (the Scandinavian Powers, Holland and Finland) which regularly has one member on the Council. This system, which has grown up gradually and without definite design, has unfortunate features, for it tends to mean that States not falling within any

recognized group (e.g. Greece or Portugal) never stand much chance of election.

The Council used to meet regularly four times a year, in March, June, September, and December, but from 1929 the number of regular meetings has been reduced to three (in January, May, and September), this being usually found adequate, the more so since an increasing proportion of the League's work is now carried out by expert committees. Special meetings can be, and are, summoned when necessary. The different members of the Council preside in rotation at successive sessions. Most of the business is conducted in public with the Press of the world present, though the Council has always the right to sit in private, and regularly does so when dealing with certain kinds of business. It is clearly inconvenient, for example, when some important appointment is being made, to discuss the personal merits and demerits of the different candidates in public.

While the actual membership of the Council is at present fourteen, there is frequently a larger number of representatives than that at the table, for under Article IV of the Covenant any League State is entitled to sit during a discussion of any question specially affecting it. Thus when the reconstruction of Austria was under consideration, there appeared at the Council table representatives not only of Austria itself, but of the neighbouring Little Entente States, Czechoslovakia and Rumania (which were not at that time members of the Council) and Jugoslavia. Non members like Turkey (before it joined the League) have also sat temporarily on the Council during the discussion of differences that have arisen between them and a State member of the League, and in 1932 a notable precedent

was set when a representative of the United States accepted an invitation to join the Council during its consideration of the Sino-Japanese dispute.

In both Assembly and Council decisions, except on secondary points like questions of procedure, must be unanimous. Such a stipulation may seem a fatal bar to effective argument. On that there are two comments to be made. In the first place the provision is inevitable. Without it there would have been no League at all, for no State would have been ready to join if there were any possibility of its being coerced by a majority vote of its fellow-members into doing something it preferred not to do. That is true of every international conference. At the Washington Arms Conference in 1921-22, for example, President Harding pointed out that what had been achieved had been, and could only have been, achieved by the free agreement of every State concerned. It is the same in the Assembly and the Council of the League. Problems are thrashed out till general agreement can be reached. Concessions are made by one State, the moral pressure of public opinion is brought to bear on another, and when in the end, after agreement has been definitely established, a vote is taken, it serves as little more than a convenient means of registering the conclusions reached in the discussion. In the Council every decision, except on questions of procedure, has to be unanimous. In the Assembly the principal exception to the unanimity rule is the provision whereby a two-thirds majority is sufficient to elect new members of the League.

The language difficulty is, of course, bound to be perpetual at Geneva. Fortunately there are two languages, English and French, which hold an admitted

predominance in the world, and they have been adopted as the two official languages of the League. That means that every speech is delivered in one of those tongues and translated into the other by a member of the League's remarkably competent corps of interpreters. Similarly, every document issued by the League appears both in English and French. Taking the Assembly as a whole, French is much more often heard than English, the principal English speeches coming from representatives of the British Empire, the Scandinavian countries, China and Japan. There is a provision that any delegate may speak in his own tongue if he himself provides an interpreter who will translate into either English or French. Occasional advantage has been taken of this by Spanish, Austrian (German-speaking), Irish, and Abyssinian delegates. Dr Stresemann habitually made his principal speeches in German, though he used English on occasion in the Council. The remarkable invention of simultaneous translation, whereby delegates can put on earphones and listen to an interpretation in English while a speaker is actually addressing them in French, and vice versa, may before long supersede the ordinary translation at the end of speeches altogether.

The Council, while it consists always of representatives of the fourteen Member-States, does not always consist of the same personalities, for though each State naturally tries to send the same representative every time, that is not always possible. Changes of Government in a country commonly mean a change in League representation, and even the same Government often changes its delegate. Great Britain, for example, has been variously represented—under the Coalition Government by Lord Balfour, Mr. Fisher, and Mr. Harms-

worth; under the Labour Government by Lord Parmoor and Mr. Henderson; under the different Conservative Governments of Mr. Bonar Law and Mr. Baldwin by Viscount Cecil, Mr. Edward Wood, and Sir Austen Chamberlain; and under the National Government of 1931 by Sir John Simon.

Council members, moreover, though all experienced diplomatists, are not technical experts, and when technical questions have to be handled, as they constantly have, expert advice is usually needed. That is supplied by what are known as the League's "Technical Organizations," a series of very competent committees, including among their members some of the first authorities in the world on the subjects with which they deal. Two of these committees, the Permanent Advisory Commission on Armaments and the Mandates Commission, are definitely provided for in Articles IX and XXII of the Covenant, and a number of others—those, for example, on financial and economic questions, on transit questions, public health, the dangerous drug traffic, the traffic in women and children—have been created to assist the League in discharging the duties devolving on it in these various fields under Article XXIII. Yet another committee, that on intellectual co-operation, is the outcome of a decision of the Second Assembly that the League should venture spontaneously into this new sphere of activity. In point of fact some of the most important work the League has ever done has been carried through almost entirely by one or other of the technical committees. That is most notably the case with the reconstruction schemes in Austria, Hungary, and Greece, all the details of which were worked out by the Financial Commission, though all final decisions were taken

by and with the authority of the Council, which had, moreover to deal with certain definitely political difficulties that arose

The machinery of the League (disregarding for the moment the International Labour Organization and the Permanent Court of International Justice) consists, then, of—

An Assembly comprising three delegates from each State member of the League,

A Council comprising one representative from each of fourteen States

A number of technical advisory commissions, and

A permanent Secretariat, on whose ceaseless if unobtrusive activities Assembly, Council, and commissions all depend for the success of their own endeavours

The Secretariat is the distinctive feature of the League Nothing like it has ever existed before in the international sphere The precedent for its creation may be said to have been set to some extent by the temporary secretariat created in connection with the Supreme War Council of the Allies in the later stages of the war But the precedent was not followed closely The War Council secretariat consisted of officials from a number of different nations lent by them and working together temporarily at Versailles It was suggested at first that the League Secretariat should be constituted on much the same lines Other, and unquestionably wiser, counsels, however, prevailed, and the Secretariat as it exists to-day is something much more than a collection of national units It is itself a remarkable and unique international unit Its members, from the Secretary General downwards, are the servants of

the League of Nations and of no one else. They are drawn from practically every nation included in the League, and from at least one, the United States, still outside it. When you enter the hall of the large hotel on the shore of Lake Geneva where the Secretariat is housed, the first man (or for that matter woman) you meet is likely to be an Italian, the second a Japanese, the third a Canadian, the fourth a Spaniard, the fifth a Czechoslovakian, and so forth. All of them retain their own nationality, but none of them owns any official allegiance to the Government of his country. Their allegiance is to the League alone. They are appointed by the League and paid by the League, and their first and last duty is to do the League's work. In their day-to-day activity they work side by side as servants of the League, with differences of nationality almost wholly forgotten. Rarely will two Englishmen, or two Frenchmen, or two members of any other nationality be found working together (except that an official usually prefers, as a matter of convenience, to have a secretary of his own nationality). The head of one particular section, for example, is a Frenchman, who has as the principal members of his staff a Greek, an Italian, an Englishman, a Swiss, and a Czechoslovakian. In all other sections the same mixture of nationalities exists. The result is a constant and invaluable interchange of points of view and the steady development of something like a real international outlook.

The work of the Secretariat in relation to the League may be compared broadly to the work of the Government Departments in Whitehall in relation to the British Parliament and Cabinet. Every decision of the League, and every duty laid on it by the Covenant,

involves a large amount of correspondence and administrative work, and for that the Secretariat is responsible It is, of course, divided up into departments, of which the principal are (in October 1932) Political, with a Japanese at its head, Financial, under an Englishman, Economic under an Italian, Health under a Pole, Social Questions under a Swede, Information (i.e. Press Publicity) under a Frenchman, Legal under a Uruguayan, and Disarmament under a Greek The first Secretary General (the chief official of the League), Sir Eric Drummond, was appointed by an Annexe of the Covenant itself He is responsible for appointing members of the Secretariat, subject to the approval of the Council M Joseph Avenol (French) was chosen to succeed Sir Eric in 1932

All this, of course, means money There are the Secretariat salaries to be paid There is a large sum for travelling expenses, not merely for Secretariat members visiting other countries on League business, but for members of League Commissions who have to come to Geneva or some other centre to sit There is the rent of buildings, or its equivalent, the interest on loans raised to buy buildings There is a formidable item for cabling and postage and printing, and there are numberless lesser expenses Altogether it is astonishing that the League manages to spend as little as it does, the total of its budget expenditure for 1931, including the whole cost of the International Labour Organization and the Permanent Court of International Justice, being 31,637,501 gold francs, or £1,265 000. (The figure for 1932 was lower so far as the League's ordinary work was concerned, but higher as a whole because of the special costs of the Disarmament Conference Owing to that, and the difference of exchange

due to Great Britain's abandonment of the gold standard, 1932 cannot be taken as a typical year.)

The annual expenditure, whatever it may be, has to be raised by contributions from the States, at present (1932) fifty-seven, belonging to the League. But clearly the expense could not be shared equally. To expect the same subscription from Albania and Great Britain would be little short of fantastic. At the same time it is no easy matter to decide how far and in what proportion contributions should vary. The scale at present in operation was framed by a strong committee appointed by the Assembly, and has been accepted as reasonable by each member of the League. Each State is rated at a certain number of units, ranging, as things stand, from 105 in the case of Great Britain down to 1 in the case of Albania, San Domingo, and one or two other penniless States. As examples of intermediate ratings it may be mentioned that France pays 79 units, Italy 60, China 46, Spain 40, Poland 32, South Africa 15, New Zealand and Turkey 10, Norway 9, Persia 5, Abyssinia 2, and Panama 1. The value of a unit represents, of course, the total expenditure divided by the total number of units (both of which may vary from year to year). For 1931 the total expenditure was, as already stated, £1,265,000 and the total number of units 986. Each unit, therefore, has the value of a little over £1,200, and Great Britain's contribution of 105 units works out at an expenditure in sterling of about £134,000. It may be mentioned for purposes of comparison that the cost to the Exchequer of the Victoria and Albert Museum at South Kensington in 1930-31 was £138,698, and that the upkeep of the battleship *Hood* runs to about £450,000 a year.

## CHAPTER IV

### THE LEAGUE AND LABOUR

The International Labour Organization—How it was created—Its Constitution—Its Functions—Its Methods—Its Achievements

THE League of Nations Budget, as has been shown already, covers not only the manifold activities of the League proper (as it is commonly conceived), but also the International Labour Organization and the Permanent Court of International Justice. Strictly speaking both Labour Organization and Court are integral parts of the League, but they are both autonomous, the Labour Organization being subject to no sort of control, except in the matter of finance, by the Assembly or Council of the League, and the Court, as might be expected of a judicial body, being similarly independent.

The Permanent Court, as will be seen in the following chapter, was created by the League. The Labour Organization was not. It is separate from the League not only in operation but in origin. The only reference to it in the Covenant is contained in that clause in Article XXIII whereby League members agree that they will

"endeavour to secure and maintain fair and humane conditions of labour for men women and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations."

As a matter of fact the necessary organizations were already established, on paper at any rate, when the League came into existence, or, rather, the birth of the

two institutions, the political and the industrial, was simultaneous, for while Articles 1-26 of the Treaty of Versailles brought the League of Nations into being, another and longer section of the Treaty, consisting of Articles 387-426, provided for the creation of a permanent Labour Organization to which all original and future members of the League should belong. All members of the League are therefore members of the I.L.O.

The constitution of the I.L.O. roughly corresponds to that of the League, as the following comparison will show:—

<i>League.</i>	<i>I.L.O.</i>
Assembly	General Conference
Council	Governing Body
Secretariat	International Labour Office

Before details of the I.L.O.'s constitution are considered its essential difference from the League must be realized. The League, it has been seen, consists entirely of the representatives of Governments. The Labour Organization strikes a new note in international associations by bringing together on an equal footing representatives of Governments, representatives of employers, and representatives of Labour. In the General Conference (corresponding to the League Assembly) there sit four delegates from each State, two of them representing the respective Governments and one each the employers and the workers, the two latter being appointed by the Governments in agreement with the principal employers' and workers' organizations in their country. The Governing Body (corresponding to the League Council) consists of twenty-four persons, of whom twelve represent Governments, six employers, and six labour. The latter are elected by the employers'

and workers' delegates to the General Conference. The former consist of nominees of the eight principal States (it is for the League Council to decide, in case of need, which these are) and another four chosen by the full body of Government delegates (other than those of the eight States mentioned above) to the General Conference. It will be seen that an analogy is thus established with the permanent and non-permanent members of the League Council. The International Labour Office corresponds to the League Secretariat and fulfils much the same functions. Its head is termed Director, the first holder of that office being M. Albert Thomas, Minister of Munitions in France for some time during the war. On his death in 1932, the Deputy-Director, Mr Harold Butler, formerly a British civil servant, was appointed to succeed him. The Labour Office is now by far the best stocked repository of industrial information in the world, and its monthly *International Labour Review* and weekly *Industrial and Labour Information* are proportionately valuable. It also publishes from time to time comprehensive reports on many aspects of industry, compiled from an international standpoint.

The Organization's main work, for which the collection and collation of world information is an essential preliminary, consists in the framing and the adoption at its annual conferences of "Conventions" on industrial questions or of "Recommendations" as to the nature and aim of domestic legislation in the different countries. Of these the Conventions are the more important. They are not in themselves binding on Governments and clearly could not be, since they can be adopted by a two-thirds majority of a body only half of whose members are Government delegates, but every Government is pledged (by Article 405 of the Treaty of

Versailles) to bring a Draft Convention within twelve months, or in exceptional cases eighteen months, "before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action." It is clearly intended that Conventions shall be ratified, and the legislation of the different countries brought into conformity with them, but all a Government is actually pledged to do is to *submit* all Conventions to its legislative authority. It is not under even a moral obligation to work for their adoption, except in so far as its delegates may have voted for them at the Conference where they were approved, but once they are adopted it is under a quite specific obligation to enforce them. The Convention, when ratified, becomes, in effect, a Treaty.

A Recommendation, equally with a Draft Convention, has to be laid before the competent authority within eighteen months. But it has not to be ratified; the State has only to inform the Secretary-General of the League of the action taken. Thus whilst a Convention when ratified imposes a binding obligation, a Recommendation is to be taken rather as a guide in the passing of national legislation.

Down to the end of 1932, 16 General Conferences had been held and 33 Conventions approved. The most important of them dealt with the following subjects:—

1919. Eight-hour day and forty-eight-hour week; employment of women before and after child-birth; employment of women at night; minimum age of entry into industry; night-work of young persons.
1920. Various aspects of conditions of employment at sea.
1921. Use of white lead in painting; various aspects of conditions in agricultural employment; weekly rest days.
1923. Systems of inspection.

- 1925 Women's compensation, night-work in bakeries
- 1926 Repatriation of wrecked seamen
- 1927 Health insurance
- 1928 Minimum wage-fixing machinery
- 1929 Protection of dockers against accidents
- 1930 Forced labour hours of work in shops and offices
- 1931 Hours of work in coal mines
- 1932 Minimum age of entry into non-industrial employment

Since 1925 a procedure has been in vogue whereby every subject of a convention is discussed in two successive years. In the first year it is debated on general lines, usually on the basis of memoranda prepared by the Labour Office and a questionnaire on particular points is drafted and addressed to all Governments. Their replies are received and tabulated by the Office, and in the light of them the actual convention is framed and adopted (or rejected).

The ratification of Conventions is never a very rapid process, even when they are non-contentious, and some of the ILO Conventions have caused subsequent misgivings even to Governments whose delegates have voted for them. So it came about that at the end of 1926 the British Government, whilst it had ratified in all eleven Conventions, had ratified neither of the two 1919 Conventions on hours and on rest at child birth (the "Maternity Convention" as it is commonly called), nor the White Lead Paint Convention. The record of other countries is in some cases better, in others worse, and not the least of the duties of the Labour Office is to keep constantly before Governments their duty in the matter of ratification. That real progress has been made is, however, shown by the fact that in October 1921 the total of ratifications formally registered was 30, at the end of 1922 it was 63, at the end of 1923 it was 92, at

the end of 1924 it was 142; at the end of 1925 it was 185; in September 1926 it was 212; by September 1932 the total had reached 479.

It is not to be expected that the Labour Organization should in its early stages do a great deal to change the industrial conditions in countries where, as in Great Britain, high standards have already been achieved. What is hoped is that through the working of the I.L.O. conditions in backward countries, particularly in the Far East, may be gradually levelled up. That, in point of fact, is actually happening. Japan, India, China, and Persia have all proved responsive not merely to the influence of the annual I.L.O. Conferences, but to the friendly and semi-official representations of the Labour Office. In India hours of labour have been materially shortened and the minimum age for the employment of children raised (from nine to twelve). In Japan, similarly, the employment of children under twelve has been prohibited. In China hours and age decrees have been promulgated, but in the present political state of the country the enforcement of any such measures is difficult. In Persia the conditions of child labour have been greatly improved.

Like the League, the Labour Organization has equipped itself with a number of expert committees to study particular questions, notably the Joint Maritime Commission (on labour conditions at sea), the Commission on Unemployment, the Permanent Emigration Commission, the Advisory Committee on Agriculture, the Committees on Social Insurance and Industrial Hygiene, the Committee on Native Labour. In addition, the Organization co-operates actively with a number of League Committees. It has, for example, a representative on the Mandates Commission and the Committee

on Intellectual Co-operation While the Temporary Mixed Armaments Commission was in existence the Labour Organization supplied six of its members It also took over bodily from the League in 1924 responsibility for the refugee work carried on till that time for the League by Dr Nansen

Again like the League, the International Labour Organization cannot be successful in its efforts to 'level up' conditions of labour unless it has the support of an informed public opinion in the advanced and also, in some degree at least, in the backward countries But even as things are the general discussions at the Labour Conferences, carried on by the persons actually responsible for framing and administering industrial regulations in different countries, are of great and increasing value, and may often be as important in their ultimate effects as the adoption of formal Conventions

## CHAPTER V

### THE COURT OF INTERNATIONAL JUSTICE

Its Origin—Appointment of Judges—Compulsory Jurisdiction—Advisory Opinions—Great Powers before the Court

THE third of the main organisms of which the League of Nations consists is the Permanent Court of International Justice, established since 1922 in the building known as the Peace Palace at The Hague. The Court, unlike the League and the Labour Organization, was not a direct creation of the Covenant or of the Treaty of Versailles. Article XIV of the Covenant provided that plans for the establishment of such a Court should be formulated and submitted by the League Council to League members. The work was put in hand in time for the full statutes of the Court to be approved by the Assembly of 1920, and the first judges were elected during the Assembly of 1921, with the result that the Court itself came formally into existence in January 1922.

The Permanent Court, therefore, was created directly by the League, and it is doubtful whether it could have been created in any other way. More than one previous attempt had been made, but all had broken down through failure to agree on the method of the appointment of judges. The Great Powers always insisted on a predominant voice in the election, a claim which the smaller States would never consent to recognize. The establishment of the League, with its extensive provisions for the settlement of disputes without war, first of all re-emphasized the need for an International

Court of Justice, secondly, did much to create an atmosphere in which agreement on such a matter as the appointment of judges was likely to be reached and thirdly, provided a practical and generally accepted method for carrying the election through That method consisted in separate and simultaneous elections by the League Council, in which at that time the Great Powers held four out of eight places, and by the Assembly, in which all States were on an equality Only those candidates chosen by both bodies were to be declared elected, and the voting was to continue till Council and Assembly were agreed on all the judges The arrangement worked with unexpected smoothness Eleven judges had to be appointed and nine names were found to figure on the first lists both of Council and Assembly, whose members were voting simultaneously in different buildings in Geneva Agreement on the two remaining judges and the four deputy judges was quickly reached and the machinery for the Court was complete when the 1921 Assembly rose When the second election took place, in 1930, the number of judges had been increased from eleven to fifteen and very surprisingly the Council and the Assembly, voting separately, were agreed on the first ballot as to how fourteen out of the fifteen places should be filled After that, rather curiously, eleven ballots were needed before any candidate for the one remaining place secured the necessary majority in both Assembly and Council

The Court, as has been said, is established at The Hague, a course dictated by consideration partly for the great traditions of Dutch jurisprudence and partly for the American donors of the Peace Palace In the opinion of many it would have been better to mass all the League institutions at Geneva, and the choice of

The Hague has created in some minds a confusion between the Court and the old Hague arbitration panels, with which it has no connection at all. But experience has shown that there is, in fact, a good deal to be said for the detachment of the Court from Geneva, for it serves to emphasize the fact that when the League Council seeks the Court's advice on a question of law it is addressing itself to a body whose independence is beyond challenge and which no one will suspect of being influenced for a moment by any views expressed at Geneva. The Court to-day consists of a bench of fifteen judges, with a registrar and certain other officials, who are paid adequate salaries out of League funds. The judges have no connection with any Government and in no sense represent their country. The Court has regular terms and is regarded as in perpetual session, so that cases can always be heard at short notice. Decisions are given, as in practically all Courts of Appeal, by a majority vote.

Only Governments can appear as parties before the Court. If an individual has an international grievance he must persuade his Government to espouse his cause. (This happened in 1924 in the case of a Greek subject who desired to make claims against the British Government as mandatory of Palestine. The Greek Government appeared before the Court on his behalf.) Under the original constitution of the Court only those cases came before it which *both* parties to the dispute agreed to submit. One party, that is to say, had no power to compel the other to go before the Court if it preferred not to. That, however, is rapidly changing. In the first place it is now becoming increasingly the practice to insert in international treaties a clause providing that any dispute about the interpretation of the treaty shall

be settled by the Permanent Court In the second place, and much more important, more than half the States in the League have now signed, and most of them have ratified, what is known as the Optional Clause in the Court's statutes, thereby binding themselves, subject to reciprocity (i.e. in relation to any other State which has also signed the clause) always to accept the Court's ruling in regard to a given class of cases—those, namely, which are known technically as justiciable, and which have to do with questions of fact, or the interpretation of a treaty, or the assessment of damages where an illegal act is proved to have been committed By September 1932 all European States except Turkey (i.e. 29) had signed the clause, out of these, 25 had ratified it and 14 League members outside Europe had contracted the same voluntary obligation Some States signed with reservations, the most important being those of Great Britain and the Dominions (except Ireland), which stipulated that no member of the British Commonwealth should be entitled to cite another before the Court, any dispute arising between them being better dealt with by other machinery within the circle of the Empire

Reference to disputes suitable for decision by the Court needs a word of explanation The Court exists to interpret and administer law Normally, therefore, it deals only with questions which arise out of an alleged breach of international law or of a definite treaty obligation and one or two other classes of justiciable disputes, but the judges are entitled, at the request of both parties to a dispute, to give an "equity" ruling on broader grounds—in the words of the statute, to decide *ex aequo et bono* But even that is far from covering the whole field of international disputes Many of

the questions referred to the League for settlement, e.g. the division of Upper Silesia, the Greco-Bulgarian dispute, or the Manchurian affair in 1931, the Court would not in the view of most authorities be competent to handle.

As to the Court and its actual work, the fifteen judges hold office for nine years, vacancies occurring through death or retirement being filled (by the usual joint election by Council and Assembly) as they arise. The bench consisted in 1932 of the following jurists:—

- M. Adatci (Japan)
- Señor Altamira y Creveza (Spain)
- Signor Anzilotti (Italy)
- Señor de Bustamente (Cuba)
- Jonkheer van Eysinga (Holland)
- M. Fromageot (France)
- Señor Guerrero (Salvador)
- Sir Cecil Hurst (Great Britain)
- Mr. F. B. Kellogg (United States)
- M. Negulesco (Rumania)
- Baron Rolin-Jacquemyns (Belgium)
- Count Rostworowski (Poland)
- Dr. Schücking (Germany)
- Señor Urrutia (Colombia)
- M. Wang Chang-hui (China)

It must be repeated that none of the judges is in any sense the *representative* of his country. That explains why it was possible for the Council and Assembly to include an American citizen (Dr. John Bassett Moore) in the first bench of judges in 1921 and why Mr. F. B. Kellogg, the former Secretary of State, and joint-author of the Briand-Kellogg Pact, was chosen at the election of 1930.

The main business of the Court has been twofold—the settlement of actual disputes referred to it direct,

and the formulation of advisory opinions on questions submitted to it by the League Council. The latter have been the more numerous and may play quite as large a part in the settlement of a dispute. Down to October 1932 the Court had given twenty three advisory opinions and seventeen judgments. Among the former the most important was a decision, which ended a protracted controversy between Great Britain and France, on the question whether the conscription by France of British subjects in French protectorates (Morocco and Tunis) could be regarded as falling within the domestic jurisdiction of France. The British Attorney General appeared at The Hague to support the British contention, which was upheld by the Court. France thereupon came to terms on the main issue.

In the case of the *ss Wimbledon* in 1923 (the issue being whether, in spite of the Kiel Canal having been declared by the Treaty of Versailles open to the ships of all nations Germany was justified on grounds of neutrality in refusing passage to a vessel laden with arms for Poland which was then at war with Russia), a German judge took his seat on the bench, in accordance with the regulation by which every party to a dispute before the Court is entitled to have one of its own nationals on the bench. The case was brought by the Allied Powers and the verdict went against Germany (then not a member of the League) by nine votes to three.

Great Britain, as the mandatory for Iraq appeared before the Court in 1925 to argue in favour of the League Council's competence to determine the frontier between Turkey and Iraq under the Treaty of Lausanne. Two cases in which the Court gave advisory opinions

in favour of Germany against Poland have also some significance.

Though the Permanent Court has not so far had to handle any question of the first magnitude (though the Austro-German Anschluss question perhaps falls into that category), its position as the ultimate tribunal of appeal in all international controversies that can be decided on legal grounds is firmly established, and the Court is held in as much respect in America as in Europe. It may be mentioned that the statutes were so drawn that membership is open not merely to all States members of the League, but to any non-members appearing in the first Annexe to the Covenant (i.e. those States which intended in 1919 to become members of the League). This includes the United States, which can, therefore, associate itself officially with the Court at any moment without joining the League. A resolution in favour of adhesion to the Court was, in fact, adopted by Congress and approved by President Coolidge, but there were attached to it certain reservations, one of which the members of the Court found themselves unable to accept. That difficulty was satisfactorily cleared up at a conference at Geneva in 1929, thanks largely to the efforts of the veteran American jurist, Mr. Elihu Root, and America's early assumption of full membership of the Court was looked for. But ratification by the American Senate is necessary in such a case, and owing to the congestion of business and other causes the Senate had not voted on the question when Congress adjourned in June 1932. The omens, however, were still favourable. As the codification of international law foreshadowed by a resolution of the Fifth Assembly progresses, the scope of the Court's jurisdiction will be substantially extended.

## CHAPTER VI

### HOW DISPUTES ARE SETTLED

Three methods—Court Arbitration or Council Enquiry—Domestic Jurisdiction—The Covenant and the Protocol—The Vilna Question—The Aaland Islands Dispute—Upper Silesia—Jugoslavia and Albania—Memel—Greece and Bulgaria

DOWN to comparatively recent years serious disputes between nations were usually settled by war—in the sense that they led to war because there was no other way of settling them, and that the nation that proved the stronger imposed the settlement it desired. The League of Nations was created to change all that, and to a large extent it has changed it.

Four international agreements have a bearing on the settlement of international disputes to-day—

The League of Nations Covenant.

The Optional Clause in the Permanent Court Statutes<sup>1</sup>

The General Act for the Pacific Settlement of Disputes

The Briand-Kellogg Pact (Pact of Paris)

Of these the League Covenant is the oldest and most comprehensive, forming a framework into which the Optional Clause and the General Act are fitted. The Briand-Kellogg Pact stands a little apart, for it is largely of American origin (though the first move was made by the French Foreign Minister, Aristide Briand), and has, therefore, no direct connection with the League of Nations. It consists of only two clauses, the first one binding all its signatories never to make use of war as an instrument of national policy, and

<sup>1</sup> See p. 48 above

the second binding them never to seek a settlement of their disputes except by peaceful means. (The negative form of this latter undertaking should be noted. Signatories of the Pact do not undertake to settle their disputes by peaceful means. They only undertake not to settle them by war. The alternative is to let the dispute drag on.)

But the Kellogg Pact, to which all but three or four unimportant States have subscribed, did not come into force till 1929. The League Covenant had been in operation since 1920, and by 1929 the machinery it created for settling disputes had been fully tested. What that machinery is and how it works can be discovered from a study of Articles XI-XVII of the Covenant. Two fundamental principles are involved: *one*, that no nation or pair of nations can be allowed to consider its quarrel as its own affair, with which other States have nothing to do; and *two*, that whatever a State does or does not do, it shall not go to war till it has submitted its dispute to some form of impartial enquiry, left abundant time (six months is specified in the Covenant as a maximum) for the investigators to do their work effectively, and then waited for another three months after their finding has been given. The idea here, of course, is that hot blood will thus have been given ample time to cool, and that a war that is postponed for nine months will in nine cases out of ten be called off altogether. To put the matter more briefly, the essential basis of the Covenant method is conference and delay. That falls short of universal and compulsory arbitration, which the Covenant in its present form does not impose.

What the Covenant does do is to provide three

methods of enquiry into the dispute, the first two involving a definite settlement, while the third may or may not. They are as follows—

- (1) Disputes suitable for the Permanent Court of International Justice to go to the Court.
- (2) Other disputes to be made the subject of arbitration by agreement between the parties
- (3) Failing either of these courses, the whole matter to be brought before the League Council.

All States members of the League are pledged (by Article XII of the Covenant<sup>1</sup>) to follow one of these courses in any serious dispute, and they have, further than that, gone some way towards pledging themselves to accept the verdict given. The position in that regard is that in the case of disputes decided by either (1) the Permanent Court or (2) Arbitration, "the members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a member of the League which complies therewith" (Article XIII). The latter provision means that the loser of a case may not make armed resistance to a State that has gained the verdict and is taking steps to secure the benefit of it. It is added, moreover, a little vaguely that "in the event of any failure to carry out such an award the Council shall propose what steps should be taken to give effect thereto."

<sup>1</sup> "The members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council."

The first of these provisions is steadily growing in importance, owing to the increase in the number of States which have ratified the Optional Clause of the Statutes of the Permanent Court, for such States—and there are thirty-eight of them at present—have bound themselves to allow every dispute suitable for a Court decision to go to the Court, and by Article XIII of the Covenant, quoted above, they are pledged to carry out the verdict given. As international law develops and formal international agreements multiply, the proportion of disputes falling under the Court's jurisdiction will steadily rise. But there will always remain a considerable residue which are not legal in character and will consequently not go to The Hague. This has always caused some concern in progressive circles at Geneva, where the view was held that all disputes that were not disposed of by legal process before the Court ought to be settled definitely by arbitration. The abortive Geneva Protocol of 1924 (abortive because, though the Assembly adopted it, no State except Czechoslovakia ever ratified it) aimed at securing that by superimposing on the Covenant a new agreement binding all its signatories to accept a settlement by arbitration in the last resort. That object has now been partially achieved by the General Act of 1928. If all States ratified the Act in its entirety it would be completely achieved.

It is necessary to understand clearly where the Covenant ends and the General Act begins. The Covenant provides that League States, when a dispute arises between them "which they recognize to be suitable for submission to arbitration or judicial settlement," will agree to its being treated accordingly, and certain types of disputes are specified as being "generally

suitable" for such treatment That leaves uncovered the case of the State which declines to admit that its dispute is one suitable for the Court (this, of course, can apply only to non signatories of the Optional Clause) or arbitration Even such States must consent to have their disputes investigated by the Council, as will be explained in a moment, but in that case the verdict may not be binding What has been widely demanded at Geneva is provision for a binding settlement of every kind of international dispute, and it was to secure that that the General Act was devised The broad effect of the Act is to provide that every dispute that for one reason or another does not go to the Court shall be submitted first of all to some form of conciliation and, if that fails, to arbitration Under the Covenant itself an arbitral verdict is binding The importance of the General Act, which was to run in the first instance for five years, and therefore fell due for revision in 1933, depends obviously on the number of States that adhere to it The number in October 1932 was nineteen, and included Great Britain, France, and Italy

Enquiry by the Council stands on a different footing from adjudication by the Court or by arbitrators In such an enquiry the obligation to accept a verdict exists only when the case is so clear that the whole fourteen members of the Council are unanimous about it If they are divided, the only obligation imposed is to wait three months before going to war Even in the case of a unanimous verdict there is no explicit undertaking on the part of the loser to carry it out What is stipulated is that no member of the League (including the State against which the Council has decided) shall go to war with a party which complies with the recom-

mendations. Parties to a dispute are entitled to sit on the Council while their dispute is being considered, but their votes are not reckoned, whether they are regular members of the Council or not. Unanimity can therefore be established without them. Non-members of the League can be treated (Article XVII) for purposes of a dispute as though they were members. Article XVI provides that a State which goes to war in violation of its pledges under the arbitration clauses of the Covenant shall be regarded as a common enemy of the whole League and subject, as circumstances may demand, to (1) boycott, (2) blockade, (3) if necessary, military pressure. There has been a marked reluctance to apply this article, and it has, in fact, never been put in force in the first twelve years of the League's existence.

It is to be observed that all disputes under this section of the Covenant must be "international," i.e. not arise out of action (such as the imposition of tariffs or the exclusion of would-be immigrants), which every nation is considered entitled to take without interference from any outside Power. In such cases— involving questions of "domestic jurisdiction" as they are called—neither the Court nor arbitrators nor the Council can impose any settlement, unless indeed both parties voluntarily agree to such a course in advance. It would be for the Court to decide whether a "domestic jurisdiction" claim was valid or not. But not only questions of domestic jurisdiction, but any question whatever which "threatens to disturb international peace or the good understanding between nations on which peace depends," can be brought before the Council, not merely by one of the States immediately concerned, but by any member of the League,

under the invaluable Article XI : In such a case the Council's function consists in thrashing out the whole matter with the disputants, and relying on its moral influence to induce them to accept the settlement it suggests Domestic jurisdiction questions, like any others, can be raised under Article XI, but the respondent State might contend successfully that they fell outside the League's competence

The relation between the League Covenant and the Kellogg Pact is important Practically all League States have signed both the Pact, which completely prohibits war, and the League Covenant, which admit it in certain cases (e.g. where a dispute is brought before the Council, and that body is not unanimous) The inconsistency of such a double standard is generally recognized, and the League Assembly has three times (in 1929, 1930, and 1931) declared in favour of so revising the Covenant as to bring it into harmony with the Pact, but agreement on the precise form of words to be adopted has proved singularly difficult to achieve and no actual draft has yet (October 1932) been approved The general position is that the Kellogg Pact prohibits war absolutely and the League Covenant provides the machinery by which a peaceful settlement

<sup>1</sup> Any war or threat of war, whether immediately affecting any of the Members of the League or not is hereby declared a matter of concern to the whole League and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council

' It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends "

may be effected. It should be added that while the Pact makes no provision at all for joint action against a State going to war in defiance of its undertakings, the Covenant does in theory provide for that very fully (in Article XVI), but the provision has never yet been put to the test.

After this necessary explanation of the League's methods of settlement a few examples of disputes actually handled by the League will be worth examining. The cases chosen have been selected less for their intrinsic importance than for the illustration they furnish of the variety and flexibility of the League's methods of dealing with such questions. The Council, when a dispute comes before it, follows no rule-of-thumb procedure, but holds itself entirely free to take such steps as the circumstances of the particular question before it suggests. That is shown clearly by the following examples:—

(1) *The Vilna Question.*—A dispute between Poland and Lithuania, brought before the League by Poland in September 1920. Sporadic warfare between the two countries was in progress, due largely to the fact that the frontier between them had never been definitely delimited by the Allied Powers, in whose hands the matter lay. The League Council sent a commission to the frontier, and an armistice was arranged, but immediately afterwards the town of Vilna, then held by Lithuania, was seized by the Polish General Zeligowski, whose act was disavowed by the Polish Government, which, however, took no steps against him. The question of the ownership of Vilna now became the main issue, and it is to be noted that though Poland had put itself clearly in the wrong, that did not necessarily give Lithuania a right to the town. The League's intervention put an end to the fighting, which was never renewed, and after long and patient negotiations a full plan of settlement was drawn up by M. Paul Hymans, acting as mediator on behalf of the Council. This was unanimously

approved by the Council, and therefore under Article XV of the Covenant if one of the two parties had accepted it, the other would have been compelled to acquiesce. Neither of them however, saw fit to do so and the Council had finally to abandon its efforts. It thus did not affect a settlement but the application to the dispute of the method of conference allowed hot blood to cool and war between the two countries has never been resumed.

(2) *The Aaland Islands Question*—The Aaland Islands lie in the Baltic Sea, midway between Sweden and Finland. They are strategically important because they are capable of commanding both the Swedish capital Stockholm, on the one hand, and the entrance of the Gulf of Finland on the other. When Finland gained its independence from Russia in 1918, the Aaland Islands which had for over a century formed part of Finland (and therefore of Russia) but whose population was for the most part Swedish in origin demanded to be transferred to Swedish sovereignty. Finland rejected and Sweden supported their request with the result that a serious dispute arose between the two countries. This was brought before the League in June 1920 by the British Government, acting under Article XI of the Covenant. Finland at once claimed that the matter was one within her domestic jurisdiction, and that therefore, the Council was not competent to act. The Permanent Court of International Justice not being then in existence, the Council appointed a special commission of jurists (one French, one Dutch, and one Swiss) to investigate Finland's contention. They reported against it, and the Council therefore continued its work, appointing a new commission (one American, one Belgian and one Swiss) to examine the whole question and recommend a solution. The commission visited Sweden, Finland, and the Aaland Islands themselves, and submitted recommendations providing that the islands should remain under Finnish sovereignty, but should enjoy a large measure of autonomy and be permanently demilitarized. These proposals were unanimously approved by the Council, whose findings were loyally accepted by both Sweden and Finland. A complete settlement was therefore effected.

(3) *Upper Silesia Question*—Under Article 88 of the Treaty of Versailles the territory known as Upper Silesia was to be

divided between Germany and Poland in accordance with a vote of the inhabitants. The vote, or plebiscite, was taken in March 1921, but the Allied Powers, with whom the decision rested, were unable to agree as to what line of division the plebiscite results indicated. They therefore referred the whole question to the League, undertaking to accept whatever solution the League Council might advise. It is to be noted that the Council was not invited, and was not at liberty, to propose an ideal solution of the Upper Silesian question. Its task consisted simply of deciding where, in the light of the plebiscite results, the line of division between Poland and Germany in Upper Silesia should run. No line could be satisfactory, for the population was so mixed that any line was bound to leave large numbers of Germans under Polish sovereignty and large numbers of Poles under German. The Council, after taking expert advice, drew the best line it could, and the Allied Powers immediately accepted it. The important feature of the Council's action, however, was that it did not leave the matter there. Having been compelled by the Treaty of Versailles to see a political frontier drawn through Upper Silesia, the League determined to do everything possible to prevent the frontier from shattering the economic life of the region, as so many frontiers had done elsewhere. Accordingly, instead of stopping when it had done its appointed work of delimiting the political boundary, the Council proceeded to recommend that arrangements should be made whereby the railway system of Upper Silesia should continue to be worked as a unit, German currency remain legal tender through the whole area, the water and electricity supplies be maintained on the existing basis, social legislation and industrial insurance arrangements be preserved on both sides of the frontier, and the free passage of both Poles and Germans in either direction be facilitated in every way. An agreement on this basis was concluded by direct negotiations carried on at Geneva between German and Polish representatives under the auspices of the League, the decisions taken to run for fifteen years. An Upper Silesia Arbitral Tribunal was created to settle differences arising in that period. The system has, on the whole, fulfilled hopes and has unquestionably mitigated many of the hardships the enforced division of Upper Silesia must have involved. In the view of *The Times* correspondent in Upper Silesia,

the League succeeded in making the new frontier a line of union rather than of division. Whatever the final judgment on that may be the League scheme has a broad importance as foreshadowing the lines on which difficulties and discontents arising on various other post war frontiers may be gradually removed

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(4) *The Jugoslav Threat to Albania*—This dispute is important as being the only case in the first seven years of the League's history in which Article XVI (sanctions or penalties) was directly invoked. The occasion was an invasion of Albanian territory in the autumn of 1921 by Jugoslav troops. The matter was brought before the Council (under Article XI of the Covenant) by the British Government which asked the Council to consider what measures should be taken against Jugoslavia under Article XVI. The Council was immediately convened and met in Paris. Albanian and Jugoslav representatives being present. It was then found that the mere prospect of the imposition of sanctions was enough. It had resulted in an immediate depreciation of Jugoslav currency and gravely compromised the hopes of an impending loan. The Jugoslav delegate therefore gave explicit pledges to respect the frontier which the Conference of Ambassadors had just defined and the Council appointed a commission (consisting of a Luxemburger a Norwegian and a Finn) to make a prolonged stay in the disputed region and see that the pledge was carried out. No further trouble in point of fact arose.

(5) *The Memel Dispute*—This illustrates one more type of League methods. The port of Memel on the Baltic with a narrow strip of adjacent territory containing the mouth of the River Niemen (which serves Lithuania Poland and to a small extent Russia) was taken from Germany by the Treaty of Versailles and retained in the hands of the Allies down to the middle of 1923. It was always intended to hand it over to Lithuania which has no other outlet to the sea but Poland made extensive claims regarding the use of the river and the port and the predominantly German population of the territory had also to be considered. The Conference of Ambassadors after long deliberations drew up a statute which Lithuania flatly refused to consider on the ground that it was far too

favourable to Poland. A complete deadlock resulting, the matter was referred to the League as a dispute between the Allied Powers and Lithuania. Poland was not a direct party to the issue. The League Council at its meeting in December 1923 considered the problem, and taking the view that the dispute, though in some respects political, turned largely on technical questions concerned with navigation of the river, decided to entrust investigation of the situation to a small commission consisting of two transit experts, a Swede and a Dutchman, presided over by an impartial political head, Mr. Norman Davis, a former Acting Secretary of State in the United States. The commissioners, getting rapidly to work, produced a most able report embodying recommended agreements regarding all the points at issue, and this was accepted at the League Council table by all the Allied representatives on the one hand and the Lithuanian Prime Minister on the other. The statute thus approved was shortly afterwards put into operation.

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(6) *The Greco-Bulgarian Dispute.*—Of importance as an example of League machinery working precisely as it was meant to work. At the end of October 1925 a local fracas on the common frontier between Greece and Bulgaria developed into the beginning of open war, Greek troops invading Bulgaria with artillery and aeroplanes, and bombing towns and bridges. Bulgaria appealed to the League, and orders were given to her troops to endeavour to avoid battle in the meantime. Bulgaria's appeal was received at Geneva on a Friday, and the Council met at Paris, under the chairmanship of M. Briand, on the following Monday. Both sides were immediately required to give orders within twenty-four hours for the cessation of fighting, and to report within sixty hours (i.e. by the Thursday morning) that all troops had been withdrawn behind their respective frontiers. Officers of League States then on duty in the Balkans were hurried to the scene of action to report on the punctual execution of the operations. Orders were duly given, and the Greek troops withdrawn (Bulgarian troops had never crossed the Greek frontier) in twelve hours less than the time limit. A political commission was then sent by the Council to investigate into responsibility for the trouble and into means for avoiding such incidents in the future. As the result of its recommendations, presented

to the Council within five weeks both Greece and Bulgaria agreed to engage Swedish officers to reorganize their frontier forces a scheme for immediate investigation and arbitral decision in case of any future frontier incident was adopted and Greece, called on by the Council to pay £45 000 damages to Bulgaria handed over the money without demur

(7) *The Manchurian Dispute*—The most important and the most difficult dispute the League has yet had to handle On September 18, 1931 on the ground of alleged sabotage attributed to Chinese agents, on the Japanese-owned South Manchuria Railway, Japanese troops seized Mukden, the capital of the Chinese province of Manchuria, and a number of other strategic points in the province China appealed to the League under Article XI of the Covenant, the League Council at once met, and urgent appeals were issued to both sides to abstain from provocative acts and to Japan to stop the advance of her troops and withdraw them as soon as possible to the railway zone (where she was entitled by treaty to station some 14 000 men to guard the line) In this connection one of the most important events in the League's history took place To mark the full concurrence of the United States with all the League was doing, the American Government accepted the Council's invitation to appoint an American representative to sit at the Council table and take part in the Manchurian discussions The Japanese delegate declared repeatedly that the troops would be withdrawn as soon as the safety of Japanese persons and property in Manchuria was assured Actually, however, the Japanese occupation spread over the whole province, the existing administration was overthrown, and in March 1932 a new republican government was set up at Mukden under Japanese auspices, the name of the province being changed from Manchuria to Manchukuo Meanwhile, the League Council in pursuance of its habitual resolve to get at objective facts, had after long argument decided (in December 1931) to despatch to the Far East a special commission, with Lord Lytton as chairman, to investigate the whole field of Sino-Japanese relations and report In the following month January 1932, the situation was further complicated by heavy fighting between Chinese and Japanese at Shanghai So far, as result, mainly, of the existence and intervention of the League, there was no formal

declaration of war between the two countries. If there had been Japan would, no doubt, have overrun China and attempted considerable annexations. In February 1932, China, dissatisfied with the action of the Council, exercised her right (under Article XV of the Covenant, which she had by this time invoked as well as Article XI) to have the dispute transferred from the Council to the Assembly, this being the first time in the history of the League that such action had been taken. The Assembly adopted a resolution declaring, as the Council and also the United States Government had already done, that no situation created in defiance of Article X of the Covenant or the Kellogg Pact could be regarded as valid. Japan, in September 1932, took the decisive step of recognizing the new State of Manchukuo, an action which the special Committee of Nineteen appointed by the Assembly to deal with the Manchurian problem unanimously condemned. In October the Lytton Report, proposing an agreement whereby Manchukuo should remain under Chinese sovereignty, but with a semi-autonomous administration which would give guarantees of security and good order, was published. The Council considered the report in November and passed it on to the Assembly, which was about to deal with it when this volume went to press.

Among other examples of disputes dealt with by the Council may be mentioned particularly those between Great Britain and France over military service in Tunis and Morocco; between Italy and Greece over events arising out of the murder of the Italian General Tellini on Greek soil; and between Great Britain and Turkey over the northern frontier of Iraq, and between Bolivia and Paraguay (in 1928), when the League co-operated with the Pan-American Conference at Washington in checking the incipient warfare. Sporadic fighting, however, broke out again in 1932 on the disputed frontier between the two countries. The Tunis-Morocco question was, as already mentioned, referred to the Court of International Justice and

settled by agreement on the basis of the Court's verdict

The Corfu issue was complicated from the first by the fact that although Greece appealed to the League under Article XI, she simultaneously put herself completely in the hands of the Conference of Ambassadors in whose service the unfortunate Italian general was at the time of his murder As Italy also accepted the jurisdiction of the Conference of Ambassadors, it became for all practical purposes an arbitral tribunal such as is indicated in Article XIII of the Covenant The League Council therefore, had no ground for intervening actively but it pursued its study of the facts, exercised a valuable conciliatory influence, and forwarded to the Ambassadors a suggested plan of settlement the chief features of which were actually adopted It was the expressed view of the then British Prime Minister, Mr Baldwin that the Council's discreet action in this case averted a war of which there was grave danger

The Iraq frontier question which it fell to the League to handle because the Treaty of Lausanne (1923) laid it down that failing direct agreement between Great Britain and Turkey the League Council should decide where the northern frontier of Iraq should run necessitated protracted discussion and investigation An expert commission, consisting of a Swede, a Hungarian and a Belgian, was sent out to the disputed area in the winter of 1924-25 with a view to providing the Council with the detailed information necessary for its decision, and in the following winter an Estonian general, with Czechoslovakian and Swedish assistants was despatched to investigate alleged violations of the provisional frontier The necessity for securing an

authoritative interpretation of the reference to the League Council in the Treaty of Lausanne caused further delay, and the final judgment, broadly in favour of Britain and Iraq, was not given till March 1926; eighteen months after the League was first seized of the matter. This, however, was a case in which haste was not of particular importance. Shortly afterwards Great Britain and Turkey concluded a treaty on the basis of the League's award.

From these examples it will be seen that the Council, though it has by this time dealt with enough cases to provide various precedents for future action, is in no danger of following stereotyped methods. Unlike a court of law, it has its hands entirely free, and can and does adopt in each particular dispute whatever course seems best suited to the circumstances of the case. Such flexibility of procedure adds considerably to the Council's efficiency as an instrument of conciliation.

## CHAPTER VII

### DISARMAMENT

The general task—Temporary Mixed Commission—The Security Issue—Treaty of Mutual Assistance and Geneva Protocol—Preparing Commission for the Disarmament Conference—Disarmament Conference—Traffic in Arms and Private Manufacture of Arms—Financial Assistance

THE Disarmament Conference of 1932, in which the League's endeavours for the reduction of armaments culminated, so completely overshadowed earlier activities that a comparatively brief reference to them is sufficient. Disarmament—the term will be used throughout this chapter in its recognized sense as denoting the reduction and limitation of armaments by international agreement—is a duty imposed on the League of Nations by its Covenant Article VIII of which binds League States to reduce their armaments to the lowest level consistent with national safety and the enforcement by common action of international obligations. It is the League's business to get this done. The discharge of that duty became the more urgent though for reasons external to the Covenant, in view of the declaration made by the Allied signatories of the Treaty of Versailles that Germany was being compulsorily disarmed 'in order to render possible the initiation of a general limitation of the armaments of all nations'

The first step of importance taken by the League was the creation in 1921 of a body called not very happily, the Temporary Mixed Commission, because it consisted both of military, naval, and air experts (drawn from the League's Permanent Advisory Com-

mission, established under Article IX of the Covenant) and of laymen, in the shape of politicians, business men, and "workers." The only concrete disarmament proposal of importance brought before it was one introduced by a British member, Lord Esher, to the effect that the army and navy allotted to Germany under the Treaty of Versailles should be regarded broadly as the criterion of a nation's needs. If, it was argued, 100,000 men were enough for the defence of a country of such and such an area and with such and such a population, it was a matter of easy calculation to discover what armies and navies were necessary for other countries with different area and population. That being so, a scheme was put forward according to which each nation was to be allotted an army consisting of a certain number of units, each representing 30,000 men, with, of course, the appropriate equipment. France, for example, was to have six such units, Great Britain three, Norway two, Poland four, and so on, some allowance being made for special dangers to which any individual country might be considered to be exposed. The scheme was ingenious, but it never looked like gaining acceptance and was soon allowed to drop.

There then emerged in definite shape the demand for security, on which France, in common with a number of other continental States, has laid continuous emphasis ever since. "Give us an assurance of support if we are attacked," such States insisted, "and we can afford to reduce our armaments. Otherwise, no." The answer to that was and is, "Get armaments, including the armaments of your potential enemies, reduced and that will give you safety." Between those standpoints the two schools at Geneva have oscillated for ten years,

and are oscillating still In 1922 the Assembly adopted a resolution which for some time was regarded as a landmark declaring that

in the present state of the world many Governments would be unable to accept the responsibility for a successful reduction of armaments unless they received in exchange a satisfactory guarantee of the safety of their country

Such a guarantee, it was asserted could be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a prearranged plan in the event of one of them being attacked

Those considerations dictated the next two approaches to the disarmament problem the Draft Treaty of Mutual Assistance of 1923 and the Geneva Protocol of 1924 The principles underlying both were simply the principles of the Covenant but in each case an attempt was made to give them greater precision in order to meet the special requirements of nations like France The Treaty of Mutual Assistance embodied definite assurances (more definite than those of Article XVI of the Covenant) that if any signatory State were attacked the other signatories would come effectively to its assistance with military, economic, and financial support, that provision being definitely linked with disarmament by the stipulation that no nation should be entitled to claim protection under the treaty unless it had reduced (or was in process of reducing) its armaments to a level approved by the League Council

The Treaty of Mutual Assistance came to nothing, largely as result of the opposition of the British Labour Government of 1924, the Prime Minister, Mr. MacDonald, seeing a danger that under its cover some

State, relying on the support its fellow-signatories of the treaty were bound to give it if attacked, might pursue a policy that actually provoked aggression. But Mr. MacDonald came to the Fifth Assembly in 1924 with the French Premier, M. Herriot, and there gave a lead which resulted in the framing of the Geneva Protocol, its chief feature being a new emphasis on the part to be played by arbitration.

The aim of the Protocol was to eliminate the risk of the League being called on to defend a State whose cause was manifestly unjust. Governments of the Left in Great Britain and France thought the time had come when the peaceful settlement of all disputes could be insisted on, and the provisions of the Covenant be extended to secure the acceptance of some form of arbitral verdict on every kind of difference between nations (except those arising from matters found to fall within a particular country's jurisdiction). An agreement to that end was therefore grafted on, or rather prefixed, to the provisions of the Treaty of Mutual Assistance regarding guarantees of security. Under the Protocol every State undertook to submit to arbitration any dispute in which it might be engaged and to accept the verdict given, all agreeing equally to regard as a common enemy a State which took up arms rather than submit to arbitration or comply with the verdict. That was the security side. The disarmament side was represented by the provision that the agreement should only come into effect after a Disarmament Conference of all nations (fixed tentatively for the following June) had adopted some practicable scheme for the general reduction of armaments. But the Protocol fared no better than the Treaty of Mutual Assistance. It was killed, like its predecessor, by the

British Government—this time a Conservative Government—which declined absolutely to accept any commitments going an inch beyond the letter of the Covenant

An attempt to combine provision for security and provision for disarmament having thus twice failed (security without disarmament was conferred on a limited scale in the following year, 1925, in the Treaty of Locarno), the frontal attack on the disarmament problem was taken up again, the Council, at the instance of the Sixth Assembly in 1925 constituting a new committee known as the Preparatory Commission for the Disarmament Conference, whose object, as its name implies, was to frame proposals that might form the basis of the Disarmament Conference which was by this time becoming an object of general expectation. The commission gained in importance by the fact that Germany (not then a member of the League) and the United States became a member of it, and in 1926 it began its protracted labours. Soviet Russia joined it a year later. Hopes at first ran high, and the Seventh Assembly, in 1926, felt justified in adopting a resolution laying it down that the Disarmament Conference should be convened within twelve months “unless material difficulties render this impossible.”

Difficulties rather technical than material did render it impossible. The Preparatory Commission had no easy task [Its business was not to decide the size of armies, navies, and air forces—that was left for the Conference itself—but to draft a skeleton treaty complete in all its details except the vital detail of the number of men, the number of ships, the number of aeroplanes, etc., each country might be allowed to possess.] But there were fundamental questions of principle to decide. Was conscription to be countenanced.

or abolished? If it survived was there any way of limiting the "trained reserves" formed of men who in the ordinary way had passed automatically through the conscription system and become trained? In computing naval strength was any account to be taken of liners, which could be rapidly armed with 6-inch guns and so turned into efficient commerce-raiders? Was it any use limiting military aeroplanes when civil aeroplanes could be converted into bombers in a few hours? These and like problems kept the Preparatory Commission at work year after year till 1930. It slackened off at intervals to give the naval Powers a chance to settle the special problem of naval disarmament, along the lines that had proved partially successful at Washington in 1921 (the Washington agreements were in fact carried a little further as between Britain, the United States, and Japan as result of the London Naval Conference of 1930), and it was urged forward, on the other hand, by pressure from Germany, which took its stand immovably on the promise of armament equality implied in the Treaty of Versailles and would accept no conclusions incompatible with that.

At last, in December 1930, the Commission held its last meeting and completed its labours. The Draft Convention it finally approved consisted of sixty articles, the pivot of the whole being the first, whereby

"The High Contracting Parties agree to limit, and so far as possible to reduce, their respective armaments as provided in the present Convention."

The methods of limitation (and, so far as possible, reduction) were set forth in detail. On land, for example, (a) conscript and (b) professional armies were to be limited to definite figures for each country, and

in conscript countries a maximum period of service was to be fixed Naval forces were to be limited by the total tonnage of each fleet and by limitation of the size of individual vessels and of guns Air forces were to be limited by the number of machines and their total horse-power There was to be a partial limitation of war material and a partial limitation of military expenditure Provision was made for the total abolition of chemical warfare And a Permanent Disarmament Commission was to be constituted to supervise the execution of the treaty.]

With the treaty thus drafted at last (though not to everyone's satisfaction, for Germany declared herself unable to support it, for the reason that it did nothing to remove existing inequalities) the ground was cleared for the convening of the Disarmament Conference itself It was not found possible to call it in 1931, but it assembled at Geneva in February 1932 under the Presidency of Mr Arthur Henderson, who had been selected by the League Council for that position in May 1931, being at that time still Foreign Minister of Great Britain The Conference had inevitably a rather chequered career, for elections in various countries, including the Presidential election in Germany and the quadrennial General Election in France, were pending, and till they were over the policies of the countries concerned remained in some doubt That was true in particular of France, where the election resulted in a complete change of government and a marked modification of French policy at Geneva

Theoretically the Conference should have worked on the Draft Convention framed by the Preparatory Commission, but in its earlier phases proposals going far beyond any framed by the Commission were laid before

it. The most far-reaching, apart from the Russian, which was not generally considered practical politics, emanated from Italy, whose Foreign Minister, Signor Grandi, boldly proposed the complete abolition of all weapons to be regarded as primarily aggressive, comprising capital ships and submarines and aircraft carriers, heavy land guns and tanks and all military aeroplanes, together with the prohibition of chemical and bacteriological warfare. These are precisely the weapons of which Germany was deprived by the Treaty of Versailles, and the adoption of the Italian scheme would have gone far to meet Germany's claim to equality (though she would still be forbidden to maintain a conscript army). While neither Great Britain, France, Japan, nor the United States accepted the Italian plan the principle of what came to be called "qualitative disarmament"—the abolition of certain primarily aggressive weapons—was generally approved, and in June 1932 President Hoover, in a desire to bring the Conference down to something concrete, instructed the American delegation to propose a new plan designed to reduce the armaments of the world by roughly a third, and involving specifically the abolition of heavy land guns and tanks and bombing aeroplanes and the reduction in the number of existing capital ships by a third. A little confused by the various proposals before it, the Conference adjourned in July 1932 for some months, having reached no definite conclusions of importance except as to the abolition of chemical warfare and of bombardment from the air and the creation of a Permanent Disarmament Commission to supervise the execution of agreements not yet reached. During the adjournment period Germany, represented now by a Government of

the Right, announced that she would not return to the Conference till the principle of her equality of status with other nations in the matter of armaments was conceded, and during the same interval a new French and a new British plan was tabled at Geneva in substitution for schemes launched by the two countries earlier.

As a footnote to the general disarmament story, a word must be said on the League's continued failure to deal effectively with two important questions control of the private manufacture of arms and the international traffic in munitions. Only the former of these was referred to in Article VIII of the Covenant for the good reason that the question of the international traffic was believed to have been disposed of by a convention which was in contemplation at Paris in 1919 and was actually signed at St Germain in that year. Unfortunately this agreement which provided for a general restraint by the Governments of all nations on those of its manufacturers who desired to send munitions abroad was never ratified by the Great Powers the obstacle being the United States, which declined to endorse any of the agreements entered into under President Wilson's direction during the Peace Conference. Since an agreement in which the United States had no part would merely mean throwing the arms trade throughout the world into the hands of the American manufacturers, the whole convention fell to the ground.

The League, therefore, had to deal with the question of the international traffic as well as with the question of private manufacture. A convention on the former question was drafted and an international conference, in which the United States took part, was convened.

in 1925 for the adoption of the convention. The main provisions of the convention prescribe the institution of a strict system of licences for arms exports from every country, and the complete exclusion of arms imports into various undeveloped areas, including nearly the whole of Africa and extensive coastal regions in South-West Asia. Full information regarding all licences granted to be published at regular intervals by the countries concerned.

Though 44 States took part in the conference, the 14 ratifications necessary to bring the convention into force had not been secured by the date of the Thirteenth Assembly in 1932, mainly because no important manufacturing State was willing to bind itself till it was certain that all other similar States would do the same. As to the regulation of the private manufacture of arms, a series of difficulties prevented any substantial progress being made with this and it was finally decided to regard it as one of the specific tasks of the Disarmament Conference to get an agreement on the subject framed and adopted.

Reference, finally, may appropriately be made here to the treaty on Financial Assistance signed in 1930, for though it is not itself part of a disarmament plan it is to be brought into operation only after a disarmament treaty has been signed and ratified. Under this scheme signatory States undertake to guarantee loans on the money-markets of the world for the benefit of any State made the victim of unjust aggression. The moral as well as the material value of this would be very great. Sir Austen Chamberlain was a strong supporter of the proposal.

## CHAPTER VIII

### RECONSTRUCTING EUROPE

The Austrian Scheme—League Supervision—International Loan—Austria's Part—Hungarian Reconstruction—Greek Refugee Scheme—Bulgarian Scheme

THE series of tasks in which the League has perhaps attained more success than in any other field fell to it as it were by chance. It would be difficult to point to any article of the Covenant or of the post war Treaties which covered the enterprises for which the League made itself responsible in the years 1922-24, in connection with the economic reconstruction of Austria and Hungary, and the floating of the Refugee Settlement Schemes in Greece and Bulgaria. That this was, in a sense, prosaic and material work, initiated and carried out in the main through the League's Economic and Financial Organization, is true enough, but it had, in point of fact, a high human and political value, particularly in the case of the Austrian scheme, the first, and in many ways the most difficult, of the League's undertakings.

The story of Austria down to the date, in the autumn of 1922, when the League's scheme was drafted, is quickly told. The provisions of the Peace Treaty with Austria may have been inevitable, but they were fatal to the country's economic life. Vienna, once the capital of an empire of over 50,000,000 people, remained still the capital of a little shorn territory of some 6,000,000, and to it had flocked back, as their national headquarters, the tens of thousands of officials of one kind and another who had held posts under the old Austro-

Hungarian Empire before the war. Out of a total population of 6,000,000, there were, in fact, 2,000,000 actually living in Vienna in 1922.

It seemed to sober observers that Austria could not survive as an economic unit, and through 1921 and most of the following year every indication lent colour to that belief. Taxes could not be raised; the Budget could therefore not be balanced; the currency consequently was debased, because the Government printed paper wildly to pay its swollen army of officials. The crown, from 24 to the pound, rose to the then unprecedented figure of 330,000. Bankruptcy seemed to be staring the country in the face, and the situation became the more desperate, in that Austria was in the position of a debtor owing, in the form of reparations to the victorious nations, vast sums which she had no possibility of paying. Those obligations formed a prior charge on all Austrian assets, so that there could be no prospect of raising fresh loans.

Certain charitable advances were indeed made, by the United States, in the form of food credits, and by Great Britain and other countries in actual money. This, however, simply enabled Austria to live from hand to mouth, and did nothing whatever to arrest her financial dissolution. At the beginning of 1921 the Allies, who felt some responsibility for the situation, invited the League to investigate it. A competent commission was accordingly sent to Vienna and a comprehensive report, with proposed remedies, drafted.

There were, however, fatal obstacles, since, as already pointed out, no one would lend Austria money so long as the Allied Powers and other earlier creditors had the first claim on all her resources. An attempt was consequently made to persuade the Allies, through

the Reparation Commission, to waive their rights for twenty years. This was ultimately done, but it took time. It took still longer time to get the United States to stand aside for the same period, and there still remained Austria's immediate neighbours, in a region of Europe where suspicions and hostilities died hard, with claims they were by no means disposed to relinquish Austria, as a consequence, drifted steadily and with increasing momentum towards complete disaster.

That continued till August of 1922, when the Supreme Council of the Allies happened to be meeting in London to discuss German Reparations, and Dr Seipel, the curiously picturesque Prelate Premier of Austria, addressed a despairing appeal to the statesmen gathered in Downing Street. Little attention could be spared for Austria. A short and cursory conversation took place, and as a result the League was requested to look into the matter at once, and "gather further information," a discouraging warning being added that no more money could be found for Austria unless it could be raised through loans in the open market in the ordinary way. That seemed another way of extinguishing Austria's last hopes, for bankrupts cannot borrow, and Austria was to all intents and purposes a bankrupt.

Under such conditions the League might well have declined the task thrust upon it. It decided, however, to try its hand. The Assembly was about to meet at Geneva, and during the Assembly the Council was in more or less constant session. The chief executive instrument of the League dealt at once with the Allied request, constituting a special committee, under the chairmanship of Lord Balfour, and including in its number Dr Benes, then Prime Minister of Czechoslovakia.

slovakia, as representing those neighbours of Austria hostile to her in the war whose claims on her remained still unsatisfied. The disease had been sufficiently diagnosed by the League's Financial and Economic Commission, and proposals regarding the remedy had taken specific shape. The question remained to decide whether they were practical propositions, and if so to endeavour to apply them.

This was no easy matter, as more than mere financial questions were involved. Political considerations, some of them obvious enough, others springing from motives at first carefully concealed, complicated matters at every turn. The outlines of the problem, however, were reasonably clear. Austria had to have money to carry on with till she could set her affairs in order, and she could only get it in the form of an external loan. On the other hand, till she had set her affairs in order no one was likely to lend her money. From that vicious circle there was no possible escape.

The League, however, developed its scheme. The first obstacles to clear out of the way were those claims on Austria still outstanding. Persuasion at Geneva effected that. Austria, as a result, was given twenty years' respite in which to raise the new loan and pay it back, before her old creditors came besetting her once more. But there was no one who would lend money to a Government without strength of mind or political experience to spend it wisely. The League dealt with that obstacle by arranging that the proceeds of the loan, if one could be arranged, should be handed over, not direct to the Austrian Government, but to a League High Commissioner established at Vienna, who would disburse it month by month only so long as he was satisfied that Austria was faithfully carrying

out the scheme of financial reforms prepared by the League

That scheme provided for the gradual increase of taxation and reduction of expenditure, for the immediate and absolute abandonment of the hopeless expedient of printing more and more fresh money, for the gradual dismissal of a large number of the vast army of now useless officials and railway servants still figuring on the Government pay-roll. Of these 100,000 were to be dismissed in two years, and within the same period the budget was to be balanced by increasing revenues and reducing expenditure. Even that was hardly likely in itself to produce a loan, and the League therefore advanced a proposal whose acceptance at first seemed somewhat doubtful. This was that certain Allied Governments in particular those of Great Britain, France, and Italy, should actually guarantee the capital and interest of the proposed loan, the total of which was rather over £26,000,000. After critical negotiations, the Governments gave their consent. But one equally important question still remained. Would Austria accept the strict financial control considered necessary, or would she, as would have been natural enough, discover interested motives in the action of her former enemies, and suspect an endeavour on their part to secure through the loan a definite political or financial hold on her country? This objection again the League removed effectively, for it secured the signature at Geneva of a formal protocol, whereby the countries concerned bound themselves during the period of the currency of the loan to seek no territorial advantage or economic privilege at Austria's expense, Austria on her part binding herself, by the same instrument,

neither to confer any such privilege nor to alienate any of her territory.

On that basis the scheme was adopted in October 1922. On the day the Committee first met the Austrian Chancellor, speaking in German in the Council Room at Geneva, declared that: "the Austrian people, rather than perish in its isolation, will make an utmost final effort to break the bonds which imprison and strangle it. It is for the League of Nations to see that this is done without the peace of the world being disturbed." A month later, Dr. Seipel, who had himself sat as a member of the Committee throughout, again addressed it. He referred to his earlier doubts and misgivings, "but," he continued, "thank God we can say to-day the League of Nations has not failed us."

In all essentials the Austrian scheme fully justified the hopes of its authors. Its immediate results, indeed, were remarkable. The loan of 650,000,000 gold crowns, backed as it was by the guarantee of the Allied Governments, was immediately over-subscribed in London, New York, and other centres. The League secured as its High Commissioner Dr. Zimmerman, who had for many years been Burgomaster of Rotterdam, and the Austrian Government on its side carried without difficulty the legislation embodying the administrative reforms required under the League scheme.

From the moment, moreover, when the discussions at Geneva began to take serious shape, the Austrian crown, which had been depreciating with increasing rapidity, ceased its movement and remained completely stable at the then figure of 330,000 to the pound. It would have, of course, been easy to improve on that figure. It was, indeed, difficult sometimes not

to do so But what trade required was a fixed currency rather than one fluctuating in either direction, and 330,000 was therefore tacitly accepted as the new and standard relationship of the crown to the pound Simultaneously deposits in the Savings Banks began steadily to increase, an unfailing sign of revived confidence, for it would obviously have been useless to lay money by when there was every probability that before it could be drawn out again its value would have gone down by 25 or 50 per cent Now, with money remaining stable, normal habits of thrift were resumed

The working-out of the Austrian scheme has, naturally, not been free from all difficulty The scheme itself was based on the best estimate an expert League Commission could make No special sanctity, however, attached to its views, as members of the Commission themselves would be the first to recognize, and some modifications had later to be made In particular, the programme of the dismissal of 100,000 State officials in two years was not fully realized Necessary though the measure was, it was naturally enough unpopular and difficult for any Government to carry through, and the Austrian Government, like all others, had political opponents ready enough to make capital out of its difficulties About 70,000 were actually dismissed in the two-year period Some change had also to be made in the Budget total It was at first thought that Austria's running expenses could be met by a Budget total of 350,000,000 gold crowns This proved in working to be too low, and on the urgent insistence of the Austrian Government the League Council in September 1924 sanctioned an increase to 495,000,000, stipulating at the same time

that some changes be made in financial methods, for Austria, in a certain excess of zeal, had been balancing her Budget prematurely through quite excessive taxation.

All things considered, both the League and Austria have had abundant reason to be satisfied with the progress of the first great reconstruction scheme planned at Geneva. In the opening speech at the Fourth Assembly of 1923, Viscount Ishii declared that "the most notable single achievement of the League during the past year has been the work of reconstruction in Austria." Since then similar pieces of work have been undertaken in Hungary and Greece, but nothing has happened to detract from the implied tribute thus paid by the Japanese delegate to the authors of the Austrian scheme. That scheme was, in a sense, primarily economic, but its political and social effects were far-reaching. It kept industry and employment alive in a country fast drifting into dissolution, and it maintained in existence a political unit, the disappearance of which might have sent three or four neighbouring States rushing in to fill a vacuum, at the risk of a collision calculated to precipitate a new European War. By the end of 1925 it became clear that the purposes of the League were on the point of being achieved, and at the end of June 1926 the system of financial control was brought to an end, Dr. Zimmerman relinquishing his post as Commissioner-General after a stewardship of rather more than three years.

Less need be said about the Hungarian and Greek schemes, not because they are less intrinsically important than the Austrian, but because they were based largely on principles already explained. Hungary,

in 1923, applied spontaneously to the League for the kind of assistance already accorded to Austria. Her problem was economically simpler, for her currency had not depreciated quite so far, and the fact that the country depended much more largely on agriculture gave her a stability her neighbour did not enjoy. On the other hand, the political complications were greater, for Hungary had been none too scrupulous in the observance of her Treaty obligations, and her neighbours, particularly the Little Entente States—Czechoslovakia, Jugoslavia, and Rumania—regarded her with not unjustified suspicions. They were, therefore, extremely reluctant to abandon any of their reparation claims on her, an operation which, as in Austria's case, was essential before any external loan could be floated. Gradually, however, the difficulties were straightened out, and a scheme largely similar to that already at work in Austria was approved by the League Council and accepted by the Hungarian Government. An able American lawyer, Mr Jeremiah Smith of Boston, was appointed High Commissioner of the League, like Dr Zimmerman at Vienna, to see that the League programme of financial reform was duly carried out, and authorized to disburse the proceeds of the loan on that condition only. In both countries the loan was secured on certain State revenues especially set aside for the purpose. These have proved fully sufficient for all needs.

An important feature of the Hungarian scheme was its demonstration of the value in the money market of a League guarantee of wise expenditure. Not only were no outside States prepared to guarantee the Hungarian loan as they had the Austrian, but in addition, while Austria was relieved of all reparation,

payments for twenty years, Hungary still remained liable to a limited extent to the Reparation Commission. In spite of these drawbacks, the mere fact that the League, which had already demonstrated its efficiency in the case of Austria, was prepared to be answerable for the soundness of Hungarian expenditure during the currency of the loan, secured the issue in the London and American markets an even more striking success than the Austrian had achieved. At the end of 1924 the Hungarian scheme, which had then been in operation a little over six months, was working with apparently unqualified success, and it finally achieved its purpose in 1926, Mr. Jeremiah Smith, in fact, leaving Buda-Pesth at the same moment as Dr. Zimmerman left Vienna. Hungary's restoration was thus effected in twelve months less than Austria's.

While the League Council had been thrashing out details of the Hungarian plan, it was equally deeply engaged on a reconstruction scheme for Greece. There a quite different problem was presented. The country as a whole was solvent, but a situation had arisen with which it could not cope, through the influx into its territories of something over 1,000,000 refugees of Greek origin and race, who fled from Asia Minor and Eastern Thrace when the Turkish armies finally threw the Greeks back across the Aegean at the end of 1922. This unhappy mass of fugitives poured into Greece destitute of everything except the tattered rags of clothing they wore. They had no money, no beasts, no furniture, no tools. For a while they subsisted on charity, the Greek Government advancing what money it could, and the League doing what lay in its power to administer relief through Dr. Nansen,

and to fight disease in the congested camps through its Health Organization But these were, of course, only temporary measures Fortunately the problem was not in itself insoluble The refugees were capable of work if money could be found to drain and fence land to provide them with tools and cattle and seed corn, or to set them up in some industry in the towns Given a carefully framed scheme this in the view of the League Commission which investigated conditions on the spot, was a business proposition, and there was no reason why money lent for such a purpose should not in due course be repaid with interest, and Greece itself be made in the end the more prosperous through the increase of its productive output

A League plan was framed on these lines, and accepted with full appreciation by the Greek Government The scheme was to be administered by a committee of four two of them representing the Greek Government and two the League, one of the League nominees being Chairman, with the right of exercising a casting vote in case of need The first Chairman to be appointed was Mr Henry Morgenthau, formerly American Ambassador at Constantinople, and when he had to return to America in the latter part of 1924 he was followed successively by two fellow-Americans, Mr C P Howland and Mr Charles Eddy A long-term loan to finance the scheme was floated in 1924 and achieved an instantaneous and overwhelming success, application for the London section of it total lung more than twenty times the amount needed The work was carried out methodically according to the original plan Villages sprang up all over the Macedonian plain Land was reclaimed Tobacco and other crops were planted Districts near the Bulgarian fron-

tier, where there had been a mixed Greco-Bulgar population, became almost solidly Greek, as consequence of the influx of new settlers, with results very beneficial to political stability. It was not till 1930 that the work was finally wound up and the League Commissioners left Greece. By that time 195,000 families had been settled by the joint efforts of the Greek Government and the League Commission, and some were beginning to repay the money advanced to them. 80,000 houses had been built at the low cost of £50 upwards each. The undertaking could be regarded as an unqualified success.

In every respect but one the League had made all conceivable provision to ensure the financial soundness of its schemes. It had stipulated that the borrowing country should set aside special funds (usually a part of its customs revenues) much more than sufficient to cover the annual interest on and amortization of the loan. In addition to that, it appointed commissioners like Dr. Zimmerman at Vienna and Mr. Jeremiah Smith at Buda-Pesth to see to it that the money borrowed was spent on legitimate and productive purposes. Unfortunately, this expert supervision could not continue more than two or three years. No independent State would voluntarily submit to prolonged financial control, or what could be represented by critics of the Government as control (the League's intervention, in fact, fell far short of this), from outside. What was hoped was that the countries concerned, after being schooled for a year or two in the canons of sound finance, would go on as they had been taught to go. Unfortunately, those hopes were only realized in part. More than one of the Governments in question fell back into the old

bad habits of unwise spending, and balanced budgets began once more to be succeeded by unbalanced

Then supervened what neither the League nor anyone else had foreseen in 1922 and 1923, the world financial crisis. Every well intentioned and well-conceived scheme, notably the Young Plan for the payment of German reparations, showed itself leaky instead of watertight. The States that had sought League help were among the least stable financially—that was why they had gone to the League—and they were naturally the first to feel the stress. International trade, the only medium through which international debts can be paid (apart from gold, which had long since been drained away from the needier States), was being dammed up and thwarted and constricted in all countries by every kind of governmental regulation for the restriction of imports, with the result that currencies everywhere deteriorated, and it was impossible to convert domestic currencies into foreign exchange in anything but the limited quantity sufficient to pay for the import of bare necessities. In particular, the borrowing countries could not equip themselves with the pounds or dollars to pay the interest due to investors who had subscribed to the loans in London or New York.

The League of Nations was in no way to blame for this. The world-crisis, indeed, had come about partly because the countries of the world had refused to follow the sound economic doctrine the League had consistently preached. In their essence, the League financial schemes were vindicated. The League had stipulated that each borrowing country should set apart from its own revenues enough of its own currency (and a good deal more, for a consider-

spot, and a scheme was proposed, involving, as in the case of Austria and Hungary, a loan and League supervision of its expenditure for a term of years Portugal, however, was unwilling to submit to the supervision and broke off negotiations with Geneva with polite thanks and acknowledgments Very wisely, however, she adopted all the proposals the League Commission had made for the reconstitution of her finances, and with such success that she soon found herself on firm ground again Similar help, in the form of expert advice with no actual financial transaction involved, was sought by Rumania in 1932 Rather different, but equally valuable, was the mission undertaken by Sir Arthur Salter, as Director of the League's Financial and Economic Section, to India and China in 1930-31, the Governments of both countries having sought the League's advice on specific points The principle of building up a common store of expert knowledge and placing it at all times at the disposal of any member of the League thus found expression in the financial field as it constantly has in many others

## CHAPTER IX

### THE LEAGUE'S BUSINESS SIDE

The Economic and Financial Organization—The Brussels Financial Conference—Studies in Taxation—The Customs Conference—Communications and Transit—Barcelona Conference—Transit Convention—The Railways and Ports Convention—The Reform of the Calendar

IT has already been explained that while all the League's business goes through the hands of the Assembly or the Council or both, the latter body, consisting as it does of fourteen individuals whose experience lies mainly in the diplomatic sphere, has built up round itself a series of expert committees, whose advice it consistently follows, and whose schemes it adopts, within the field of the particular committee's operations. One set of such committees deals mainly with what may be termed social and humanitarian work. Another, comprising what are known as the League's "technical organizations," handles mainly those questions arising out of the endeavour to simplify international relations in regard to commercial transactions and the transport of goods, or to improve them in the field of health and sanitation. The four principal technical organizations are, thus, the Economic, the Financial, the Communications and Transit, and the Health. If the three former appear at first sight to deal with questions of a somewhat restricted interest, it is necessary to remember that they give the League a status of its own in the vastly important world of business, and they have, in point of fact, effected within that field reforms the value of which has been generally recognized.

The main achievements of the Economic and Financial Organization (it was not separated into two till 1930) have indeed already been discussed, for it is this body which, subject of course to the general authority of the League Council, has been responsible for the successful formulation and working of the four reconstruction schemes in Austria Hungary, Greece, and Bulgaria. On these nothing more need be said. The Economic and Financial Organization, consisting till its division into two distinct bodies of two separate committees, one economic and one financial, which from time to time held joint meetings, applied itself to a number of those unsolved problems the existence of which does much to hinder the smooth flow of commercial intercourse between different countries. In this field the League has been singularly fortunate in securing the voluntary services, as members of one or other committee, of some of the foremost economists and financiers in Europe. Some were chosen, like Sir Otto Niemeyer, Controller of Finance in the British Treasury (when Sir Otto left the Treasury to become a director of the Bank of England he remained a member of the Financial Committee), as high Government officials, others, like M. Marcus Wallenberg, of Sweden, or Dr Karl Melchior, of Germany, as bankers of international reputation, and others, like Signor Pirelli, of Italy, maker of the well known pneumatic tyre, as business men known throughout Europe and beyond. Thanks to their ready assistance and their willingness to devote considerable time to the meetings of the committees, the Economic and Financial Organization can claim to have proved as effective an instrument as any organ connected with the League.

Among the many activities of the Organization two

stand out as conspicuous landmarks, the Brussels Financial Conference of 1920 and the World Economic Conference held at Geneva in 1927. Both were convened to deal with situations creating much public anxiety at the moment, the Brussels gathering being concerned mainly with public, i.e. governmental, finance, and the Geneva meeting of 1927 primarily, though by no means exclusively, with tariffs. The Brussels Conference was the first general conference ever called by the League, for it preceded even the First Assembly, which did not meet till November of the same year. The object of the Conference, which was attended by representatives of thirty-nine States, including the U.S.A. and Germany, was not to draft an international convention, but rather to seek some agreement on immediate problems which might guide Governments, particularly the Governments of new States, through the financial chaos in which Europe was then submerged. In that the Conference was entirely successful. It was prepared for by the publication of a series of important monographs on various financial questions by leading authorities in different countries, and its unanimously approved report has ever since formed a kind of standard by which national budgets can be tested. The fact that a country so rigorously prudent in its finance as Great Britain is may not have much to learn from the Brussels resolutions must not obscure their far-reaching importance as a stimulus to those Governments, representing practically every country in Europe, which were then failing hopelessly to balance their annual budgets.

An Economic Conference on similar lines, but dealing with such questions as industrial organization and tariffs rather than pure finance, was decided on at the

Sixth Assembly in 1925, and the extensive preparation such an enterprise calls for was sufficiently advanced a year later for the Seventh Assembly to contemplate with some confidence the actual convocation of the Conference in 1927. Like the Financial Conference it was to consist of experts nominated by Governments but not necessarily binding the Governments in question by the views they might express. The Conference was attended by representatives of fifty States and among the non members of the League taking part was not only the United States, but Soviet Russia. In one respect the conference was remarkably successful. It faced the problems before it, industrial, commercial and agricultural, squarely, and adopted a series of uncompromising and far reaching resolutions the most important of them containing the declaration that 'the tendency to increase tariffs has been carried too far, and the time has come to move in the opposite direction.' When it is considered that that resolution was carried unanimously (the Soviet delegates abstained) in an assembly almost the whole of whose members came from protectionist States the warning thus issued to the world must be recognized as striking. The delegates in this case were experts from different countries (Mr Walter Runciman and Sir Walter Layton were among the members of the British delegation) and not actually representatives of their Governments. But for that the resolution might have seemed to herald a fundamental change in world policy. As it was, the Governments, being warned that their tariffs were getting too high, proceeded ceaselessly and systematically to raise them higher.

That happened in spite of a still more resolute attempt at Geneva to arrest the process. In 1929 the

British delegation (a Labour Government was then in power) moved a resolution which meant in effect treating tariffs like armaments, and aiming first at limitation and then at reduction, for it provided for the summoning of a conference with a view to the adoption of what came to be called a tariff truce, involving a general agreement that for a term of years no tariffs should be raised to higher levels, and that during that breathing-space negotiations for the actual reduction of tariffs should be carried on. The Conference was held early in 1930 and a truce, not of two years as the British had suggested, but of six months, was agreed on as an interim measure. Thirteen countries, including Great Britain, signed and ratified the agreement, but it was made clear that there would be no general acceptance of the tariff-truce principle, and by the time the Twelfth Assembly met in 1931 it had to be recognized that the attempt to bring an effective tariff truce into force had failed.

But if there was to be no tariff truce the League had got certain notorious hindrances to international trade removed, notably the absolute prohibitions imposed by different States on the import or export of various commodities. This was actually worse than a high tariff, and in 1927, at a conference summoned by the League, a convention putting an end to these restrictions (with special exceptions in the case of certain countries) was signed. Great Britain ratified the convention in 1929. Another minor success in the same field deserves mention. In 1928 a conference on the apparently unimportant subject of hides, skins, and bones (quite important in reality as the raw material of leather, glue, fertilizers, and other commodities) succeeded in agreeing on the fixing of a

maximum tariff (3 gold francs a kilogram) on these articles applicable to all signatory countries alike. There is only one precedent for this fixation of a universal specific duty. Unfortunately, the hide bones and skins method has not since been extended to other articles as it was hoped it might be.

In addition to the responsibility it bears for the preparation of the Austrian, Hungarian, Greek, and Bulgarian schemes, the Economic and Financial Organization took a leading part in drafting the economic section of the Upper Silesian agreement, it carried through schemes for the reconstruction of the finances of Danzig and Estonia and assisted in the raising of a loan in each case. In 1923 it found a financial adviser for the Albanian Government to assist in the financial administration of the country at the Government's request. It has, in addition, been steadily pursuing investigations into various secondary problems important to practically every State member of the League. Notable among these are the questions of "double taxation" and "fiscal evasion" (Double taxation means the liability of a taxpayer in one country and holding investments in another to be taxed by the Governments of both. Fiscal evasion means such devices as the export of capital, with the intention, sometimes successful, of evading taxation altogether.) But neither of these investigations has yet arrived at a stage on which international conventions on the subject can be signed. That stage, however, has been reached in connection with one important section of the Organization's activities, the inquiry into the simplification of Customs formalities. A conference was called on this subject by the League at the end of 1923 and attended by representatives

of thirty-five States, under the chairmanship of Earl Buxton. An important convention was unanimously adopted providing, briefly, for the removal of grievances regarding Customs formalities both as regards travellers and as regards goods (the latter of course being much the more important) by providing for publicity of regulations, simplicity in procedure, expedition in handling, equality of treatment, and facilities for redress.

Such conferences form one method of carrying out the League's obligations under that clause of Article XXIII of the Covenant which charges it with securing and maintaining "equitable treatment for the commerce of all members of the League." The Organization is further discharging the same duty by endeavouring to make provision by international agreement against false trade-marks and descriptions, unfair discrimination against foreign nationals admitted to the territory of another State (a League conference on this subject in Paris failed to produce any agreement of value), and unjust discrimination against the commerce of any one single State. One minor agreement negotiated by the Organization, and to which much importance is attached in British business circles, provides for the recognition by the Courts of all signatory States of arbitration clauses in commercial contracts. Altogether the Economic and Financial Organization can claim credit for a highly satisfactory record of systematic work, resulting in the gradual removal of a number of obstacles which hinder the free flow of trade between country and country. The declaration of a particularly high authority in the British business world that the Customs Conference at Geneva had done more in a month than

could have been achieved in fifty years by the old method of diplomatic negotiations may be an exaggeration, it serves, none the less, as a striking example of the impression made by the methods pursued at Geneva in this field on disinterested observers well qualified to judge.

The second of the League's main technical organizations, that dealing with communications and transit, was created to assist the Council in carrying out the provisions of Article XXIII of the Covenant regarding "freedom of communications and of transit for all members of the League." The importance of such a task, though the work of the Organization is by no means confined to Europe, is demonstrated by the most cursory glance at any map of Europe of to day. A political settlement which changed frontiers, broke up great Empires into small States, and cut off some of them from access to the sea made it essential that every State should fully recognize every other's just rights in the matter of transit unless the commercial and industrial life of the Continent was to be hopelessly impeded. The political controversies which have arisen over the use of such ports as Danzig and Memel and Fiume, and to a lesser extent Salonica and Dedeagatch, show the importance attaching to agreements such as the Transit Organization has been able to effect through its international convention on the use of ports generally. The manifest necessity of equal freedom of navigation for all States touching great rivers like the Rhine and the Danube, the Elbe and the Vistula, as well as many others in Europe, Asia, Africa, and America, demonstrates equally the value of the convention on navigable waterways concluded at the Transit Organization's first general

conference at Barcelona in 1921. Generally speaking the principle laid down and applied as the different circumstances of each case require is that of fair treatment for everyone concerned. In the case of rivers, for example, it is provided that every State controlling a stretch of the waterway must allow its free use to every State interested, and must maintain the waterway in a proper navigable condition through dredging and lighthouses, buoys, etc., so far as may be necessary.

In the case of ports there is similarly to be equal treatment for all comers in such matters as tariffs, dues, regulations, use of warehouses, and so forth, a definite guarantee being given by signatories of the convention that there shall be no discrimination against the shipping of any one particular State and no special favour even for the nationals of the State in which the port is situated. In the case of railways (an International Railway Convention was signed at the second general Transit Conference at Geneva in 1923) the difficulties in the way of through travelling are to be smoothed away as far as possible by the simplification of formalities at frontiers, by the interchange of rolling-stock between different States, by single through tickets for passengers, through registration of luggage, and single through contract-notes for goods. In the same way the Transit Organization has done much for the simplification of passports. This question has been considered at two League Conferences, in 1920 and 1926, but the reluctance of certain States to relax the restrictions they have established prevented full success from being achieved.

But these are days in which road traffic grows while rail traffic tends to decrease. Frontiers are crossed by

far more road vehicles than trains. The Transit Organization has, therefore, set itself to smooth the way of the private or commercial motor driver as well as of the railway administrations. It has standardized signalling and road signs internationally, it has framed a convention governing international commercial motor transport, it has negotiated another designed to relieve the drivers of touring cars of local taxation during a short stay in a foreign country. In another sphere it convened a conference in 1929 to provide for the speedier carriage of newspapers internationally and to free them as far as possible from the delays due to Customs formalities. It is also taking up, in conjunction with other international bodies, the regulation of air traffic. This will, no doubt, as time passes, make increasing demands on its attention. Various duties are laid on the Organization by the Peace Treaties, and in particular it is provided in a number of international agreements that any dispute arising out of the agreement shall go in the last resort to the Permanent Court of International Justice, but shall be referred first of all to the League Transit Committee for its mediation or arbitration.

One minor but interesting activity of the Transit Committee has been the appointment of a sub-committee on the reform of the Calendar, charged with considering the possibility, in particular, of arranging for a fixed instead of a movable Easter, and for a year which shall consist of an exact number of weeks instead of fifty-two weeks and one or two odd days. The committee was appointed at the desire of business men on purely business grounds, but it, of course, raised important ecclesiastical questions, and its membership therefore consisted rather curiously of

authorities on transit and law and business generally, sitting side by side with representatives of the Vatican, the Archbishop of Canterbury, and the Eastern Orthodox Church. The desirability of fixing Easter has been generally recognized, but no concerted step has yet been taken to bring the change about. Great Britain has actually adopted a measure fixing Easter, but not brought it into operation. This is only one of a whole series of sub-committees to which the main Transit Committee has delegated the examination of special technical questions.

The Organization may now be regarded as complete, and its efficiency in redressing, though it has by no means yet succeeded in eliminating, the obstacles to the free movement of trade across whole continents is generally recognized. Incidentally also it has provided an example of the value of collaboration between different League organizations by its co-operation with the Opium Committee in considering measures for the suppression of opium smuggling in free ports, and with the Health Organization in discussing the question of river-borne and sea-borne disease.

## CHAPTER X

### THE WORLD'S HEALTH

The Health Organization—The Fight against Typhus—The Epidemics Commission—International Conventions—War saw Conference—The Malaria Commission

No League agency is more valuable, and none has succeeded in attaining more important results on slender resources, than the Health Organization, brought into existence to carry out the duty imposed on the League in the last clause of Article XXIII of the Covenant, "to take steps in matters of international concern for the prevention and control of disease." The Health Organization consists to-day, like the League itself and the other technical organizations of a threefold mechanism—the Health Advisory Council, the Health Committee, and the Health section of the Secretariat. As in other cases, the main work is done by the committee, the results of its labours being reported to, and usually approved by, the larger advisory council.

It is manifest that the main business of the Health Organization must be to co-ordinate and give direction to national effort. It neither possesses nor has any prospect of obtaining funds or personnel to enable it to undertake large activities itself, nor would such assumption by an international body of duties belonging properly to national administrations be of permanent advantage. In spite of that, the first main activity of the Health Organization, even before it had taken final form itself, was the organization of, and active participation in, a great campaign against typhus and other

epidemics in Eastern Europe. The danger threatening the whole Continent through the eastward spread of disease shortly after the war came before the First Assembly of the League in December 1920, and a fund of some £200,000 was there and then raised from voluntary contributions by Governments to enable the Health Organization to take in hand work which the not very competent States in Eastern Europe found beyond their individual means. Even so, though the Health Organization equipped hospitals, supplied drugs and doctors, and took other direct action itself, the main value of its effort was the instruction and direction it gave to the administrations of the countries concerned, and the permanent measures it initiated for the prevention and control of disease in Eastern Europe. It was largely as a result of what was done at this time in Poland and Russia that the Soviet Government established close relations with the Health Committee. While Russia, unlike the United States, has no permanent representative on the Health Committee, it sends a delegate when matters of special interest to Russia are discussed, it encourages its doctors to take part in the Committee's periodical interchanges of medical officials, it has welcomed a League commission on malaria to Russia, and it took an active part in the Health Conference arranged by the Health Organization at Warsaw in 1922. Altogether, therefore, the Health Organization has shown itself capable of overcoming obstacles due to national prejudices as well as to national frontiers.

A further point of interest about the Organization is that it was the first body associated with the League to establish a permanent branch outside Europe. The Epidemics Commission, which was created as part of

the Health Organization to deal in the first instance with disease in Eastern Europe, has survived in spite of the intention that it should be only temporary, and in 1924 established an Office at Singapore (where a Health Conference for Far Eastern countries was held early in 1925) to direct the fight against disease in the Far East much as it is directed for Europe from Geneva Broadly speaking, what the Health Organization aims at is to place so far as possible the knowledge and experience acquired by each country at the disposal of all By this co-ordination investigations and experiments can be undertaken for the world once for all instead of having to be carried on separately and simultaneously in a dozen different countries The importance of international standards in health matters is great It is essential that when doctors in different countries are using the same medical terms it should be certain that they are speaking about the same things In such matters, for example, as sera that has been very far from certain The League Health Organization, therefore, after experiments conducted by scientists from a number of different countries in Denmark, has agreed on certain standards, for the maintenance of which the State Laboratory at Copenhagen has been made responsible

A similar international investigation was organized in 1926-27 in Central Africa, with the aim of combating the great scourge of that region, sleeping sickness Great Britain, France, Spain, and other countries having dependencies or mandated territories in Africa, all nominated experts to co-operate in the investigations and experiments, which were carried on in a laboratory lent by the British authorities at Entebbe, in Uganda When the primary stage of the enterprise

was finished various practical measures for fighting the disease were agreed on and a further programme of investigation in individual laboratories drawn up. More important, and better illustrative of the scope of the Health Organization's work, are the activities of the Malaria Commission set up in 1924. The Commission, either as a whole or through individual experts, has studied malaria on the spot in Yugoslavia, Greece, Bulgaria, Rumania, Soviet Russia, Italy, Sicily, Corsica (at the request of the French Government), Syria (where three of its members were killed in a motor accident), Spain, and the United States. As a result, investigations were prosecuted into the use of quinine as a remedy and prophylactic, courses in malariology were organized in various European centres, and in 1928 a permanent School of Malariology was opened in Rome.

There is no need to detail the work the Health Organization has carried out on an international scale in regard to such diseases as smallpox (with a view to discovering whether there was any truth in the suggestion that encephalitis in children was sometimes the result of vaccination), leprosy, rabies, tuberculosis, and cancer. Special mention must be made of the inquiry into infant mortality (deaths before one year of age) organized in 1926 in Austria, England, France, Germany, Italy, Holland, and Norway, and a year later in the Argentine, Brazil, Chile, and Uruguay; and of the most valuable and important conference on rural hygiene held at Geneva in 1931, whose results are likely to be seen in a substantial raising of the standard of sanitation and medical provision in the more backward countries of the world, as well as some needed improvements in the villages of even the more progressive.

The main purpose indeed of the Health Organization is to diffuse to the utmost extent possible the knowledge it acquires and to seek to stimulate every country to rise, so far as its resources permit, towards the standard of the most advanced. That aim is carried out along two lines in particular. Medical officers of health—the officials in whose hands the guardianship of public health primarily rests—of different countries are constantly brought into touch with one another through the organization of short courses of some two or three months of study and inspection in some one selected country, or possibly in two or three. A party normally consists of from twenty to thirty doctors from almost as many different countries, nominated usually by the medical associations in those countries. Such courses have been held in Great Britain and Belgium, Italy and the United States, in the Far East and Latin America, the fullest facilities being given to the doctors by the country concerned for investigation into every aspect of its public health system.

Even more important in its ultimate effects, and directly in line with the League's established policy of placing the experience of all at the disposal of each, is the work the Health Organization has done in assisting the Governments of individual countries to organize efficient national health services of their own. Two of the earliest to apply for this form of help were Persia and Albania, but the first really extensive piece of work of the kind was begun in Greece in 1928. That country, owing to the wars in which it had been ceaselessly engaged from 1911 to 1922, and the influx of refugees for several years after (the Health Organization had in 1922-23 organized the inoculation of over half a million of these), had never possessed anything worth calling a

public health service at all. The League, therefore, had to begin building from the bottom. A League Commission was sent to Athens and made extensive recommendations, all of which were adopted; a medical school for the training of Greek public health officials was established and a number of foreign experts nominated by the League were engaged by the Greek Government pending the time when a sufficient supply of Greek doctors qualified in the field of public health should become available.

The work undertaken in Greece was a fitting preparation to a much more important and extensive task assumed in 1929 in response to an invitation from the Chinese Government. In China, as in Greece, the work had to be begun from the foundations, and the vastness of the country with its 400 millions of population might well have filled both Government and League with despair. As for the League, it decided very wisely that the most hopeful course was to concentrate on one of China's eighteen provinces, Chekiang, in the idea that if an efficient health administration could be organized there the one province would serve as a model for the other seventeen. At the same time a Central Field Health Station was organized at Nanking, and a model medical school was also established in the capital. In another continent similar help has been given to Bolivia, and an offer from Brazil to set up a school of leprosy at Rio de Janeiro in conjunction with the League has been accepted. Turkey also, some years before it became a member of the League, sought and obtained from Geneva expert advice on the establishment of a Ministry of Health.

Not a great deal is heard in Great Britain or the United States of the activities of the Health Organiza-

tion Countries where medical science is so far developed as it is in these have naturally less to learn from the Organization than some others less advanced, but there is force in the observation of a leading British medical authority that by its important series of international experiments and inquiries the Health Organization has relieved this country of work it would otherwise have had to do for itself at an expense quite disproportionate to the trivial sum which represents that part of Great Britain's League contribution devoted to the League's health work

## CHAPTER XI

### HUMANITARIAN EFFORT

Repatriation of Prisoners—Relief of Refugees—Opium Problem—Women and Children—Slavery—Intellectual Co-operation

A NUMBER of interesting, if secondary, activities of the League are commonly grouped under the general head of Humanitarian Work. Most of them are conducted on the same basis as the technical organizations, in that the work is carried on by special advisory committees served by corresponding sections of the Secretariat and subject, of course, throughout to the League Council. The principal committees working in this sphere are those on the control of the opium traffic, on slavery, on the welfare of women and children, and on the suppression of obscene literature, while the general category of humanitarian work includes also the varied and beneficent labours of Dr. Nansen on behalf of prisoners of war, Russian refugees, and other unfortunate classes of people to whom the League, through the agency of the Norwegian scientist, has been able to extend a helping hand.

It may be convenient to deal with Dr. Nansen's work first. The League, incidentally, in a rather curious way converted the well-known Arctic explorer into a great humanitarian agent. The first task he undertook as League High Commissioner was the repatriation of some hundreds of thousands of prisoners of war who for one reason or another had been left stranded at vast distances from their homes, with little visible prospect of returning to them. This matter was brought before

the League, and at its First Assembly Dr Nansen was invited to study the question of repatriation and take what steps seemed possible He set energetically to work various Governments, including the British providing funds for the purpose The prisoners were of many nationalities There were Russians still in Germany, there were Germans, Czechoslovakians, and others still in parts of Russia as far distant as Eastern Siberia Transport was a serious difficulty, for at that moment there was a tremendous demand for tonnage from all countries, and some contingents of prisoners had to be shipped back from as far afield as Vladivostok Under these circumstances the completeness and the expedition with which the work was carried through reflected the highest credit on Dr Nansen, and through him on the League It was, moreover, executed with remarkable economy, for altogether 427,886 prisoners (many of whom had to be clothed before they could be moved) were restored to their homes at a total cost of something under £400,000.

Dr Nansen's success, indeed, marked him out as the League's indispensable agent when any task of this character presented itself It was to him, accordingly, that the League turned in 1922 when there was laid before it the unhappy case of some 150,000 Russian refugees, hostile to the Soviet Government, who had had to fly from Russia after the final defeat of General Wrangel Neither the repatriation of prisoners nor the relief of refugees directly concerned the League, but when the need was laid before it the Assembly felt that some action must at least be attempted Dr Nansen accordingly took the refugee question in hand Here, however, funds were a grave difficulty The French Government agreed to continue certain help

it was already giving to refugees at Constantinople, and the British Government provided £10,000 on condition that another £20,000 was raised elsewhere to deal with one specific part of the problem. With these means at his disposal, Dr. Nansen was able to do much to relieve suffering. But perhaps his most important achievement was to secure the approval by some fifty Governments of identification certificates issued by his Organization to the refugees. These certificates were recognized by the Governments in question as equivalent to passports, for the great disability under which the refugees suffered was the fact that having no country they could have no passports, and were therefore unable to move from the first country in which they had taken refuge, even if work were waiting for them elsewhere. All self-supporting refugees were required to affix to their passport a "Nansen stamp" of the value of five shillings, the amount thus raised going to swell the general refugee fund.

Begun at the end of 1922, Dr. Nansen's relief work among refugees was carried on, so far as the very exiguous funds granted by the Assembly permitted, till the end of 1924, when the Council decided to transfer responsibility to the International Labour Organization, on the ground that the problem had by that time become more one of employment than of charitable relief. Dr. Nansen's hands were, however, by no means freed by this arrangement, as the Assembly had just asked him to deal particularly with another refugee problem, that of those Armenians who had found continued existence in Turkey impossible, and had made their way to Greece, Syria, and elsewhere.

Some success was achieved in settling the Armenians on the land in Syria, but it was not till after

Dr Nansen's death, when what remained of his work had been taken over by a new body, the Nansen Refugee Office, created by the League, that the transfer of Armenians to the Armenian Soviet Republic of Erivan in the Caucasus was begun Both political and financial difficulties had frustrated during Nansen's lifetime the execution of a plan in whose possibilities he always had profound faith

To turn to the more permanent tasks falling under the head 'Humanitarian' mention may be made first of the work of the Opium Advisory Committee This body is of importance in that after it had been at work for some two years the United States, which is particularly interested in the opium question, decided to send representatives to attend it The problem hardly needs defining It consists in concerting international measures by which the abuse of opium and its derivatives can be, if not eliminated altogether, reduced to negligible dimensions It may be added in parenthesis that all measures applying to opium and its products, like morphia and heroin, apply equally to coca leaf and its product, cocaine Difficulties in the way of effective reform are enormous, for the drugs in question can be so easily smuggled and command such high prices that to keep a hold on the illicit trade is next to impossible Attempts to deal with the problem were made through a convention signed as a result of a Hague Conference in 1912 The war, however, intervened before the convention could be made really effective, and in point of fact when the League came into existence very few States had ever ratified it The first business of the League was to press continually for the general ratification of this convention, and secondly to extend and strengthen the terms of the convention In the former

task it was reasonably successful, the value of a permanent secretariat to keep in touch with signatory States and look after what might otherwise have been nobody's business being strikingly demonstrated in this as in many other fields. When it came to improving on the Hague Convention, one step of some importance the League was able to effect was the extension to a large number of States of the import and export certificate system, under which the Government of an exporting country undertakes not to grant licences for opium or its derivatives to be exported, unless it has received a certificate from the Government of the importing country declaring the particular consignment to be needed for legitimate purposes. So far as this system was adopted, it did provide a real check on traffic for undesirable purposes. It was, however, by no means enough, and the League early adopted a thesis, on which the Americans in particular laid great stress, that what was essential was to limit the world production of these drugs to the amount needed for "medical and scientific" purposes only. That amount was roughly ascertainable, and it was proposed that every country should send in in advance every year to a Central Board at Geneva an estimate of what it was likely to require for medical and scientific purposes alone in the ensuing twelve months. That would enable the Board to inform the few producing countries of the total amount required and to allocate the demand among them. In such a way there would be no surplus available for illicit trading. The Central Board was duly constituted and began its work in 1929. But all these endeavours were complicated by two great obstacles. One, which was ultimately surmounted, was the claim by India to continue to produce opium for internal use,

for opium in India is eaten (not smoked) as a kind of homely specific, effective or otherwise, for various diseases That meant that strictly speaking India would not be limiting production to medical and scientific purposes Much more serious was the fact that China which in 1913 had succeeded in abolishing the growth of the opium poppy almost completely, was as a result of her political unsettlement producing again on an enormous scale though poppy cultivation still remained technically illegal As a consequence opium was being smuggled out of China in large quantities and at an international conference summoned by the League at the end of 1924 it was felt that no satisfactory conclusion could be reached till China had set her own house in order Consequently an agreement was signed by the States having Far Eastern possessions where opium smoking was still continued undertaking to abolish the practice finally within fifteen years at most from the date on which an impartial League Commission should declare that the producing countries (primarily China) had so far controlled their production as to remove the danger of smuggling That date had to be fixed and in 1929 a Commission was dispatched to the Far East to discover what the situation was, followed in 1931 by a conference of Far Eastern countries at Bangkok to consider the suppression of opium smoking The results were meagre Opium was still being produced on an enormous scale in China and it was impossible to prevent the smuggling of large quantities of it into adjacent countries The Conference, therefore, merely recommended imposing very severe restrictions on opium smoking in those countries where it is still permitted

But the most notable advance in recent years was the result of initiative taken by the British delegation in

the Assembly of 1929. If the production of opium could not be regulated till China achieved political stability, then every possible restriction must be imposed at the point where the poppy is converted into the prepared drug. There must, in other words, be rigid limitation of manufacture. A conference on that subject met in 1931 and achieved important results. [The agreement reached was that no country should manufacture a greater quantity of drugs than was necessary for (a) its own legitimate needs, (b) the execution of legitimate orders, and (c) the maintenance of certain limited reserve stocks.] Since it had already been agreed, by the convention of 1925, to adopt the import and export certificate system (see above) and since the Central Opium Board was in a position to check all the statistics of import and export, there was every reason to suppose that the convention would really make the way of the drug traffickers difficult. The entry of Turkey into the League of Nations in 1932, and her announcement that she would ratify all the outstanding opium conventions, gave further ground for hope.

On the same basis as the Opium Advisory Committee stands a similar committee charged with watching the interests of women and children so far as they are affected by international action. For the first five years of the League's existence this meant concentration on means for ensuring the suppression of the so-called white slave traffic—involving the recruitment and transport of women and girls from one country to another for immoral purposes. To this end a convention was framed in 1921 and approved by the Second Assembly in that year, providing among other things for the general ratification of certain previous conventions on the subject, for the levelling-up by

different countries of their legislation bearing on this subject, and for the extension, where necessary, of extradition laws affecting it, and for the general adoption of precautions and regulations concerning emigration and immigration, calculated to reduce the dangers to which women and children may be exposed in the process.

The work of the Advisory Committee on Women and Children, and of that section of the Secretariat which serves it, consists largely of supervising the working of this convention—no unimportant task in itself, for here, as in the case of the prohibition of obscene literature, a convention gains a new value now that a permanent central body exists at Geneva to watch the working of the instrument and seek to co-ordinate information regarding it from different countries. The League may indeed convert an international agreement from a dead letter into a living force.

This particular committee, however, has not confined its activities within the limits of the 1921 convention. It has conducted three important inquiries, two into the actual facts of the white slave traffic (one mainly in Western, the other mainly in Eastern, countries), a matter on which little adequate information existed, and a third into the reasons why different countries have retained or abolished, as the case may be, the system of State regulation of vice, and with what results. In 1924 the work of the Advisory Committee (on which the United States is represented) was expanded by the decision of the Assembly that the League should take over an organization known as the Institute for Child Welfare, at that time established at Brussels. It cannot be claimed of the majority of

activities coming under the head of child welfare that they are international in character, and the sphere of a League organization working in that field will therefore be rather more circumscribed than might appear. But there is little doubt that it will find useful openings for itself as it develops.

A question which the League, after a good deal of preliminary discussion, has begun to study in earnest is that of slavery, which still exists in various forms in different parts of the world on a larger scale than is commonly suspected. The matter was brought before the Third Assembly in 1922 by Sir Arthur Steel-Maitland, but certain Governments, including the British, showed some reluctance to supply the League with information necessary for its inquiries, with the result that it was not till the latter part of 1924 that a Committee on Slavery was definitely constituted, and not till the Assembly in September of that year that the range of the Committee's investigations was defined. Some question arose on that point, there being a difference of opinion as to whether the Committee should deal merely with the traffic in slaves from one country to another or with all circumstances in which men or women are being compelled to work under conditions other than those of free service. The Committee itself desired wide terms of reference, and it was finally agreed that it should study not simply the slave traffic, but any form of forced labour, together with such transactions as the adoption of children or the acquisition of girls by means of a fictitious dowry or the pledging of human service for debt. The Committee was thus entrusted by the Fifth Assembly with a commission to conduct an inquiry more radical and comprehensive, as well as more authoritative, than any yet

prosecuted into labour conditions in the undeveloped regions of the world. As result of its labours an international convention on slavery was signed at Geneva in 1926 after full discussion at the Sixth and Seventh Assemblies. That was a step of considerable value in itself, but the British Government never ceased to insist that the convention could not yield adequate results till a permanent bureau was set up at Geneva to collect and check all information on slavery available from different sources and thus throw light on any abuses that might still continue. Year after year some State or other opposed this development, and by a singular irony when, at the Assembly of 1932, the British delegate in charge of the proposal had at last secured its acceptance, the Assembly declined to vote the necessary funds for the proposed bureau, on the ground that the desire for new expenditure came inappropriately from a Government which was at the moment conducting a persistent and rather unpopular campaign for general retrenchment at Geneva. But the principle, at least, has been definitely established.

One other enterprise, essentially humanitarian, has been launched on paper but not brought into actual operation yet. The International Relief Union, conceived by an Italian Senator, Signor Ciraolo, was designed to facilitate immediate international action for the relief of distress caused by some sudden disaster, such as earthquake, flood, or hurricane. The League Council summoned a conference in 1927 to bring the new body into being, and a convention governing its work and laying its financial basis was adopted. But in 1932 insufficient adhesions had been obtained to bring the scheme into operation.

Reference may conveniently be made here to the

League's work in the field of intellectual co-operation, though this falls strictly under the head neither of a technical organization nor of humanitarian activities. The Committee on Intellectual Co-operation was created by a resolution of the Second Assembly in 1921, its object being sufficiently defined in a report presented to the Assembly of the following year, in which the Committee was described as existing "to secure for intellectual work the place which befits it and to assist in the freer and more rapid circulation of the great intellectual currents of the world." The Committee numbered among its members such men and women of distinction as Professor Einstein, Professor Henri Bergson, Madame Curie, Professor Gilbert Murray, and the well-known American physicist, Dr. Millikan. Some vagueness prevailed as to its precise line of work, but it has gradually developed its own programme, based on the principle that in the field of intellectual pursuits at all events no national frontiers can exist. One effect of the Committee's creation has been the establishment, as part of the Secretariat at Geneva, of a University Information Office designed to provide every kind of information about University courses in different countries and to effect gradually some co-ordination of courses and degrees and the exchange of students and professors. With a view to stimulating the exchange of ideas and experiences national committees in direct touch with the Committee on Intellectual Co-operation have been formed in a number of countries.

The Committee has always been hampered by lack of funds, for the League can only vote it a modest subvention from its budget. Individual countries were, however, encouraged to do what they could to help the

Committee, and accordingly in 1924 France offered a building and an annual subsidy of 1 000,000 francs for maintenance, and Italy a building and an annual subsidy of 1,000,000 lire—the former to be used for the general work of the Committee and the latter particularly for the study of the unification of private law. Some natural hesitation was felt at this dispersion by sections of the League working to centres other than Geneva, but in the end the gifts were accepted with appreciation, and from 1925 the Committee on Intellectual Co-operation has accordingly carried on its work largely from Paris through the Institute of Intellectual Co-operation established there. Italy made a second offer to the League of an International Cinematograph Institute to be domiciled at Rome and to concern itself mainly with the educational aspect of cinematography in all countries. The International Institute of Private Law began its work under League auspices in May 1928, and the International Cinematograph Institute in November of the same year.

## CHAPTER XII

### THE MANDATE SYSTEM

Article XXII—What the Peace Conference did—A, B, and C Mandates—The Mandates Commission—Safeguarding the Native—The Bondelzwart Rebellion—Sympathetic Scrutiny.

THE mandate system embodied in Article XXII of the Covenant marks a new departure in colonial administration, and creates a new status in international law. The principle embodied in the Covenant, at the instance primarily of General Smuts, provided that certain territories in Africa, Asia, and the Pacific, belonging formerly to the defeated Powers, Germany and Turkey, should be taken from their former owners, but neither given their independence nor annexed by the victors either as colonies or as protectorates.

They were, to put it shortly, to be placed rather in the position of a ward in civil law, whose affairs are administered on his behalf by a trustee till he is of age to manage them himself. To quote the rather unexpectedly idealistic language of Article XXII:—

"To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization, and that securities for the performance of this trust should be embodied in this Covenant."

It is provided, therefore (in the next paragraph of the Article), that the tutelage of such peoples shall be

entrusted to various advanced nations who are willing to accept it, and that this tutelage shall be exercised by them as Mandatories on behalf of the League.

In this matter, as in so many others, the League did not start with free hands, the first steps regarding mandates being taken by the Allied Powers during the Paris Peace Conference in 1919. It was they who divided up the German colonies among different Mandatories and they too who similarly divided up Turkey's lost possessions in Asia at the San Remo Conference of April 1920. That is how it comes about that none but Allied Powers have been chosen to exercise the function of Mandatory. The League's task consisted in the first instance in approving the terms of the Mandate under which the trust was to be exercised in each case, and from that moment it was with the Council of the League, acting normally through its Permanent Mandates Commission, that the ultimate responsibility for the good administration of mandate territories rested.

Before discussing the Mandates Commission's methods of working something must be said on the different classes of mandates and the classification of the territories concerned under each of them. There are three categories of mandates, one known as A mandates, applied to territories sufficiently developed to be within measurable distance of independence, one known as C mandates, for territories (like South West Africa or the Pacific Islands) best administered as part of the Mandatory's own dominions, and an intermediate class, in some ways the most important, applicable to various areas in Africa, administered independently of any other territory, where specific safeguards for the welfare of the native, such as

restrictions, on the liquor and arms traffic, are necessary.

In those three categories the mandates are allocated as follows, the name of the Mandatory appearing in brackets in each case:—

- A. Palestine and Transjordania (Great Britain), Syria and Lebanon (France).
- B. Tanganyika (Great Britain), Togoland and Cameroons (divided between Great Britain and France), Ruanda and Urundi (Belgium).
- C. South-West Africa (Union of South Africa), Pacific Islands north of the Equator (Japan), Samoa (New Zealand), German New Guinea (Australia), Nauru (British Empire).

A special word is called for regarding Iraq. This was always intended to be an A mandate, with Great Britain as Mandatory. Before, however, the terms of the mandate had ever been definitely approved by the League Council, it appeared to the British Government that it would be well to contemplate an early grant of independence to Iraq, without the actual issue of a mandate (to which the people of Iraq took some objection) at all. A treaty was accordingly signed between Great Britain and Iraq, embodying all the administrative safeguards which a mandate would have provided, and laid before the League Council for its approval, which was accorded in September 1924. The matter was carried further in 1926, when a fresh treaty, contemplating the early admission of Iraq to the League of Nations, was concluded between that country and Great Britain.

From that point the development of Iraq progressed as always contemplated. A dispute with Turkey regarding its northern frontier (affecting the province

of Mosul) was settled through the League and the Permanent Court of International Justice, the Iraq claim (advanced by Great Britain as Mandatory) being almost completely sustained In 1932, the date fixed by a new treaty between Great Britain and Iraq at the end of 1927, the former mandated territory (for so it was in fact, though technically the mandate model was not followed in all details) was admitted a full member of the League by a unanimous vote of the Assembly the principle of the gradual progress of territories under A mandates being thus strikingly vindicated In that connection the Permanent Mandates Commission had drawn up, at the request of the Council a valuable statement of the conditions under which a mandate may properly be wound up This, of course, will apply when other territories under A mandate are considered to be ready for full independence

It was obviously an open question at the outset whether the mandate system was to be merely a disguised, and therefore insincere, form of annexation, or whether it meant establishing real safeguards for the natives After ten years it has been convincingly demonstrated that the system is an effective reality and no pretence For that credit is due partly to the efficiency and broadmindedness of the Mandates Commission and partly to the value of the opportunities provided for the discussion of any abuses or alleged abuses from the Assembly platform

Of the two factors the Mandates Commission is the more important The success of the Commission is largely due to decisions taken at the outset regarding its composition Its business being to examine reports sent in by Mandatory States on their administration,

it was laid down that the Commission should not consist of nominees of Governments, that representatives of States holding mandates should be in a minority, and that no persons in official positions in their own countries should sit. Ex-officials are in another category, their administrative experience often making them valuable members. No one, for example, has done more useful work on the Commission than Lord Lugard, a former Governor of Nigeria, who was appointed not by the British Government, but, like all members of the Commission, by the League Council. The Commission now usually meets at least twice a year, having found the original annual meeting insufficient.

The procedure under which the mandate system is worked is of some importance. The basis of everything is the individual mandate granted to a particular Mandatory in respect of a particular territory—let us say to Great Britain in respect of the area, formerly German East Africa, which is now known as Tanganyika. The mandate for Tanganyika, as approved by the League Council, required the British Government to "promote to the utmost the material and moral well-being and the social progress of its inhabitants," and in particular to abolish slavery and suppress the slave-trade; to prohibit forced labour; to exercise strict control over the arms and liquor traffic; to safeguard the natives' rights in the matter of land transfer; to ensure complete freedom of conscience and worship; and to keep an open door economically for all members of the League. No military or naval bases may be established in the territory nor any native military force organized for use outside it. Substantially similar provisions are found in all Class B

mandates The A and C class are on a different footing. The former concern nations approaching the stage of independence, the Mandatory's function in this case consisting in giving what is rather vaguely termed "administrative advice and assistance." The latter apply to territories which it is decided for different reasons are best administered as an integral part of the Mandatory's own possessions. Here, however, it is laid down that "the Mandatory shall promote to the utmost the material and moral well-being and the social progress of the inhabitants," and the same prohibitions regarding the slave trade and forced labour apply as in B mandates. In the case of the liquor traffic indeed the provisions of the C mandates are the more rigorous for the supply of alcohol to natives is prohibited altogether. The provisions regarding military and naval bases and military service appear in the C mandates also.

All the mandates having been thus allocated by the Allied and Associated Powers, their precise terms approved by the League Council, and the Permanent Mandates Commission being constituted at Geneva, the mandate system might be regarded as in working order. Regarding its procedure the essential features are the rendering by each Mandatory of an annual report for every area entrusted to it under mandate, and the examination of such reports by the Mandates Commission in the presence of a representative of the Mandatory. This is the great safeguard for sound administration, for all the proceedings of the Commission are published, and any shortcomings it may bring to light on the part of a Mandatory are thus exposed to the censure of the world. It is noteworthy indeed that the only criticism directed against the

Commission has been on the ground not of its condonation of abuses, but of the severity of certain of its strictures.

One case in point was the discussion that arose in 1922-23 about the methods followed by the Union of South Africa in the suppression of a rebellion of the Bondelswart Hottentots in the mandated area of South-West Africa. Before 1920 the methods South Africa adopted would have been South Africa's business and no one else's. Since 1920, South-West Africa being a mandate area, they were essentially the League's business and in particular the Mandates Commission's. The Commission accordingly conducted the most searching examinations into the facts as disclosed by the Mandatory's report and explained by the representative of the Mandatory who appeared before the Commission, and being by no means satisfied with what they heard, stated frankly in their minutes that they were by no means satisfied. Candid comments on the Bondelswart affair were also made by various speakers from the Assembly platform. South Africa, as has been indicated, felt it was rather unjustly criticized. That may or may not be so. The rights and wrongs of the Bondelswart operations cannot be discussed here. The incident has been referred to only to show that if the Mandates Commission errs at all in its conception of its duties it errs in taking them too seriously rather than not seriously enough. A still more striking illustration of the Permanent Mandates Commission's conception of its duty was the highly critical report published in 1926 on French administration in the mandate territory of Syria. In view of the fact that it was a Great Power whose methods and policy were thus called in question, and that the

Mandates Commission did not hesitate to condemn leading French officials by name, the reputation of the Commission for thoroughness and independence was substantially enhanced. The same may be said in regard to its handling of the Palestine situation created by the disturbances at the Wailing Wall in 1929, though the criticisms the Commission felt it necessary to pass on the Palestine Administration were resented by the British Government. It must not be thought, moreover, that the Commission probes a mandate report thus diligently only when some abuse is suspected. On the contrary, it goes fully each year into the conditions prevailing in each mandate area. In 1926, indeed, the Mandatory Powers members of the Council protested at what they rather unhappily termed the "inquisitorial" questionnaire addressed to them by the Commission.

The reports forwarded by the Mandatory are circulated and studied by members of the Commission before they are discussed with the representative of the Mandatory in a formal session, and most of the members have concentrated particularly on some one branch of administration, such as education or health or the liquor traffic or the land tenure system, examining each report, and interrogating each Mandatory's representative, with special reference to administration in this regard in the area in question. Such examination is conducted in a uniformly sympathetic spirit, but it is sufficiently thorough to justify completely the claim that trusteeship under the League is a very real guarantee of the just government of native races. A further safeguard is the provision, of which no great advantage has been taken as yet, that petitions may be addressed to the Mandates Commission by the

inhabitants of a mandated area through the Mandatory, who is pledged to forward them at once to Geneva with or without observations of his own on their contents. The principle that petitioners may appear in person before the Commission has not yet been conceded.

## CHAPTER XIII

### THE SAAR AND DANZIG

The Treaty and the Saar—Inherent Difficulties—The Governing Commission—The Commission and the Council—Danzig as Free Port—Poland's Rights—The League as Arbitrator—Danzig and Gdynia

THE League in different ways is responsible for the good government of the area between Lorraine and Germany known as the Saar Valley and the Free City of Danzig on the Baltic at the mouth of the River Vistula. Neither task is of the League's own seeking. Both were imposed on it by the Treaty of Versailles before the League itself was in existence at all and both came to it hedged about with such Treaty conditions and provisos that the best that could be hoped for was to escape absolute failure without any possibility of attaining real success.

That is particularly true of the Saar. This important industrial area is of about 700 square miles in area and contains a population of roughly 700,000. Before the war three systems of administration affected it for part of the territory was under Prussia and part under Bavaria and all of course subject to the general laws of the German Empire. Its mines were given to France under the Treaty. With their administration the League has nothing to do. The area was also to come (and did come) into the French customs system in 1925. The Treaty provided for a new administration under a Governing Commission of five members appointed by the League Council. It was to be quite arbitrary in character, for though the Commission was

to include one French member and one inhabitant of the Saar, as well as three who were neither French nor Germans, the Saar member was to be appointed, like the rest, by the League Council, and was in no sense a representative of the inhabitants, whose views on the subject need not be, and in point of fact have not been, ascertained. Though the Council appoints the Commissioners year by year, and can, if necessary, cancel their appointments, it has no *direct* control over the Saar. The Commission itself is the instrument of government.

That does not exhaust the difficulties of the situation. According to the Treaty, Saar inhabitants are to decide by a free vote in 1935 between the three alternatives of full reunion with Germany, transference to France, and continuance of the League régime. There is little doubt, of course, that they will choose the first, and no possibility of their choosing the second. It was conceivable, for a time, that they might in the end be tempted to decide for a continuance of the present system, under which they bear no share in the payment of German reparations. Since reparations have practically disappeared altogether that consideration no longer applies, but while it did it was necessary for every patriotic German in the Saar and out of it to do everything to discredit the Governing Commission in the eyes of the inhabitants, so that it had to carry on its work in an atmosphere of unabated hostility and suspicion.

The greatest danger the League had to face in the Saar was of seeming to act not as a completely impartial agent, holding a studiously even balance between France and Germany, but as something like an instrument of the victorious Powers. It cannot be pretended

that that danger has been altogether avoided The Governing Commission as originally constituted by the League Council, consisted, as the Treaty prescribed, of one French member and one Saarois together with a Canadian, a Belgian, and a Dane Of these the Belgian and the French naturally stood together, and the Dane though nominally citizen of a neutral country, was in fact a man whose French sympathies, based on an almost lifelong residence in Paris, were notorious There was always, therefore, in case of need a French majority of three out of five on the Commission The French member, moreover, was in 1920 appointed the first President of the Commission, and his mandate was renewed each year till 1925 In the course of those years the Canadian member was succeeded by another Canadian, the Dane first by a Spaniard and then (on his death) by a Czechoslovakian while the occupant of the Saar chair had been changed three times The original French and Belgian members remained In 1926, however the French member was changed and the Canadian member was appointed President Since his resignation in 1927 two Englishmen have successively filled the office

All things considered, the Commission has done its administrative work well, and while critics of the régime have been given plenty of material for their attacks (mainly as a result of the provisions of the Treaty of Versailles, by which the hands of the Commission were tied) there are few grievances of real substance, though the retention of a small and gradually diminishing French force for use in case of serious disorder was bitterly assailed till the troops were finally withdrawn in 1927 The rights of the inhabitants in such matters as education and religion have been

fully maintained, and the existing legal system has been preserved. The district is prosperous, and apart from political grievances, usually studiously exaggerated, has little ground for discontent. A consultative council of the inhabitants has been created, but it has no power to do anything beyond laying its views before the Governing Commission. The right of criticism divorced from responsibility is rarely beneficial, and it is not surprising that Council and Commission are in frequent opposition.

It is to be regretted that the League was not given the Saar Valley to run in its own way. With a free hand it would almost certainly have succeeded a good deal better than it has been able to when fettered by the Treaty. Even so, Commission government under the League has been shown to be a perfectly practical proposition, which might be adopted with advantage in other areas where an international régime may prove desirable.

The status of Danzig differs materially from that of the Saar. The area is roughly the same and the population (350,000) about half, but while the Saar is controlled absolutely by its Governing Commission, Danzig is a Free City with its own Senate and Chamber, but with a League High Commissioner to hold the balance between it and its neighbour Poland. The peculiar relationship of Danzig to Poland is the source of all the League's troubles concerning it. Till the war Danzig was one of the great ports of Germany, holding a commanding position at the mouth of the river Vistula, down which all the trade of the now Polish hinterland passed. When the three divided sections of Poland—Russian, Austrian, and German—were reunited, the new State was given access to the

sea by a narrow "corridor" running down the Vistula valley. Normally the corridor might have been expected to include Danzig, and the Poles were bitterly disappointed that the Peace Conference decided otherwise. But Danzig is German through and through, and it was felt that to hand it over to Polish sovereignty would be unjustifiable. On the other hand the claims of Poland to the free use of the port—all of whose commercial connections were with the Polish hinter land—were strong, and the expedient was, therefore, devised of severing the city from Germany without uniting it to Poland. It governs itself, as it did a century and more ago, and Poland is given various rights in such matters as railways, customs, and the use of the port. In addition to the provisions on these questions in the Treaty of Versailles a separate treaty between Danzig and Poland was drafted and signed in 1920, designed to provide for any contingency likely to arise. The High Commissioner has no administrative functions at all. He is simply an arbiter, charged with securing agreement between Poland and Danzig, if possible by conciliation, and failing that by a definite ruling, against which an appeal lies to the League Council. The office has been held successively since 1921 by two Englishmen, a Dutchman, and an Italian. At first both Danzig and Poland regularly appealed on principle against every decision given, with the result that the League Council was flooded with a number of trivial questions that ought never to have come to it. Gradually, however, the habit of settlement by direct agreement, through the mediation of the High Commissioner or officials of the League Secretariat at Geneva, developed and only major disputes reached the League Council table. But that, unfor-

tunately, was not an enduring phase. Friction between Poles and Danzigers has been perpetual, and the latter have never for a moment allowed themselves to be reconciled to their severance from Germany. Faults on both sides have been abundant and about equally apportioned. From 1930 onwards the rise of the Nazi-movement in Germany has had its repercussions in Danzig and added further to the difficulties of the situation. So has one particular economic problem which promises to become increasingly acute—the rise of the Polish port of Gdynia, at the end of the so-called Corridor, about ten miles west of Danzig. The port was constructed, largely with French money, as a direct result of an episode in 1920 when, at a moment when Poland was fighting for her life against the Bolsheviks, the import through Danzig of munitions which she desperately needed was gravely impeded. The Poles thereupon decided that they could not stake their existence on a single port over which they had no direct control, and the construction of Gdynia was put in hand. By 1932 the new port had become a serious rival of Danzig, and a protracted juridical dispute as to the rights of the Poles to divert traffic to Gdynia was in progress.

In 1923-24 the Danzig currency was reformed and put on a sound basis in accordance with a plan prepared by the League's Financial and Economic Organization, and in 1925 the official approval of the League assured the immediate success of a Danzig loan.

The Danzig scheme, like the Saar régime, is an interesting experiment from which lessons can be derived that might be applicable elsewhere. In both cases the League has been called on to facilitate the

working of a plan drawn up without its concurrence and so framed as to make real success unattainable. There are no two sets of questions which, in proportion to their magnitude, cause the Secretariat more anxiety. That the results of twelve years' working have been satisfactory it would be foolish to claim. What it is fair to say is that though failure under conditions so difficult would have been no discredit to the League, it has in point of fact by no means failed.

## CHAPTER XIV

### THE LEAGUE AND MINORITIES

The Minority Treaties—Voluntary Undertakings—Rights of Minorities—League Methods—Mediation and Legal Rulings—A Minorities Commission?

THE responsibility for the protection of Minorities in Europe was laid on the League by a series of treaties between the Allied and Associated Powers and various European States in 1919 and 1920. There is not a word regarding Minorities in the Covenant, and the League as a League was never consulted before this important task was assigned to it. Most of the States of Continental Europe have always included within their borders a certain number of persons whose race, religion, or language, or all three, differed from that of the State in which they lived. The Peace Settlement of 1919, with its extensive rearrangement of political frontiers, created new Minority problems throughout Central Europe and many of them became the more acute in that a race which had been dominant, and as such had acted with severity towards the Minority within its borders, itself became in its turn a Minority, subject to the sovereignty of the very race over which it had hitherto tyrannized. The bottom dog, in fact, had become the top dog. Transylvania, where Rumanians were formerly under Hungarian sovereignty, and Hungarians are now under Rumania, is an obvious example. In point of fact it is difficult to compute the number of such racial Minorities in Europe, but they total certainly not less, and probably much more, than 30,000,000. Their existence is

inevitable, but the discontent to which unjust treatment of Minorities may give rise is a potent cause of war Austria's fear and suspicion of certain of the Minorities within her borders was one of the prime causes of the outbreak in 1914 The League's task therefore in guaranteeing or attempting to guarantee, fair treatment for all Minorities is neither light nor unimportant Its authority is derived from some ten treaties under which the States possessing large Minority populations gave undertakings to the Allied Powers regarding the treatment of such Minorities, the League being nominated in each treaty as the final arbiter In addition a number of States, notably Estonia Latvia Lithuania and Albania, were persuaded on entering the League to accept voluntarily similar obligations to those imposed on the other States by treaty These obligations were substantially the same in each case and can be sufficiently indicated by one or two quotations from the first treaty signed at Paris in 1919 between the Allied Powers and Poland

Under Article II of this document it is laid down that all inhabitants of Poland shall be entitled to the free exercise, whether public or private, of any creed religion, or belief whose practices are not inconsistent with public order or public morals" Other articles provide that all Polish nationals, without distinction of race, language, or religion, shall enjoy the same civil and political privileges, that the Minorities shall have the right to maintain their own schools and other institutions, and that in districts where Minorities form a considerable portion of the population, instruction in the State schools shall be given in the language of the Minority The vital clause in all the Minority Treaties is that under which it is laid down that the

undertakings regarding Minorities "constitute an obligation of international concern and shall be placed under the guarantee of the League of Nations." The language is vague, but what it means fundamentally is that whereas under normal circumstances interference by an outside Power in the interests of a Minority would be a distinctly unfriendly act and might easily precipitate war (as indeed it has done in many cases in recent history), it now becomes the acknowledged and unquestionable right of the League to intervene when circumstances seem to require it.

How, in point of fact, is the League discharging its obligations? Its organization for dealing with Minority problems consists of a special section of the League Secretariat, together with a sub-committee of the Council, consisting of the President for the time being and any other two members he may name. When complaints are received by or on behalf of a Minority they are first considered by the Secretariat. It is laid down, moreover, that they must be communicated at once to the State of which the Minority forms part, and in many cases the matter can be put right at once, particularly when the friendly offices of members of the Secretariat are available. Abuses are constantly due to the arbitrary administration by some official in a province distant from the capital, and the central Government is often ready to intervene when its attention is called to the trouble by private representations from Geneva. At the same time there may of course be more serious grievances, which yield to mediation less readily. In these cases it is laid down that any member of the Council may raise the matter, the only reason for the existence of a sub-committee

of three being to ensure that any grievance which ought to be considered is not overlooked In point of fact, not many complaints have been dealt with by the Council itself Most of those which did come before it (mainly concerning German Minorities in Poland) raised legal questions which were referred by the Council to the Permanent Court of International Justice

No question with which the League deals has created more acrimony in recent years than Minorities That dates in the main from Germany's entry into the League in 1926, not because of any malignity on Germany's part, but because the existence of considerable German minorities in Poland, Czechoslovakia, and other States made the German member of the Council the natural champion of Minorities everywhere His assumption of that rôle was dramatically advertised to the world by a heated scene (heated at least on the German side) between Dr Stresemann and M Zaleski, German and Polish Foreign Ministers respectively, at the League Council meeting held at Lugano in December 1928 As result of that the Council in 1929 revised its regulations for the handling of Minority petitions, with a view to securing greater publicity for the results of an enquiry and keeping the aggrieved parties in particular better informed of what was happening to their case at Geneva It cannot be said that much resulted from the changes, and in 1930 the Assembly devoted a full-dress debate to the principle of the treatment of Minority questions by the League The debate ranged at large over the whole field, two questions of special importance that emerged being whether Minority obligations ought to be applied to all States with Minority populations within

their borders, or only to those which had signed special treaties in 1919 and 1920, and whether the ultimate aim should be to assimilate Minorities gradually till they disappeared, or to keep them permanently distinct so far as culture and (in some cases) religion were concerned. No definite conclusions were reached, and it cannot be claimed that the debate, for all the stir it made at the time, did much to clear the air permanently.

The plain fact is that the protection of Minorities is by no means completely effective, nor is it easy to see how it could be. The circumstances are always difficult, with rights and wrongs on one side as well as the other. Minorities are just as often unreasonable as the dominant State is arbitrary in its treatment, and the League accordingly has as often to restrain the one party as to remonstrate with the other. Minority problems, moreover, go to the root of national sovereignty, a matter on which every State is abnormally sensitive, particularly States whose histories are short and whose political position is none too secure. That has so far prevented the League from developing certain machinery whose creation would undoubtedly be of value. In Upper Silesia, under the terms of the German-Polish Agreement of 1922, a Minority office to deal with complaints had been set up on each side of the frontier, with very successful results, though a good many appeals still reach the League Council. To create similar institutions elsewhere would be most desirable. The question of appointing League Commissioners, to reside in areas where Minority difficulties are known to be particularly acute, was fully discussed at the Third Assembly, and an agreement to try the experiment was almost reached.

Certain States, however, objected, and the unanimity necessary for the adoption of the project could not be obtained. The value of such resident commissioners has been illustrated by the recourse voluntarily had by Greece and Bulgaria, in connection with certain difficult questions on their Macedonian frontier, to the good offices of a League Commission which happened to be working on that frontier in connection with another matter. Arising out of that, the Greek and Bulgarian representatives at the Fifth Assembly each signed a voluntary agreement with the League Council to refer Minority questions regularly to the same Commission.

It is sometimes assumed that all Minorities have the right to appeal to the League. That is by no means the case. The League's authority is derived only from the particular treaties under which the Minority question is dealt with. No such treaty protects, for example, the Austrians of the Southern Tyrol now under Italian sovereignty. Comparison may not unjustly be made between the League machinery in the case of mandates, and in that of Minorities. The former is very largely successful because of the existence of a standing Mandates Commission, to which reports on mandate administration are annually rendered and which can discuss any difficulties or abuses in the unsensational atmosphere of a committee room. The Mandates Commission, moreover, partly by its original composition and partly by the experience it has gathered in working, has made itself thoroughly experienced in mandate questions. The creation of a Minorities Commission, carefully selected and subject of course on all points to the League Council, on similar lines, could hardly fail to be of great value. No con-

stitutional difficulties stand in the way of the creation of such a Commission, but various States whose assent to such a plan is necessary (since they are members of the League Council) will up to the present have none of it.

## CHAPTER XV

### AFTER THIRTEEN YEARS

Gaps to be filled—Actual Achievements—The Geneva Atmosphere—Small Tasks or Great?

A REVIEW of the League's history written as the Thirteenth Assembly is closing is not likely to be marked by unrestrained optimism. A series of unconnected or half connected, events—the prolonged economic depression, the crisis over Manchuria, disappointment at the dragging progress of the Disarmament Conference, political disintegration in Germany—all conspired, not indeed to shake the ultimate faith of confirmed believers in the League, but to fill them with serious misgivings about its immediate future. And there was something more. The League, it can never be too often insisted, is nothing more than an association of Governments, and its influence and prestige can be no more than what the loyalty and co-operation of the Governments confer on it. The feeling was deep and widespread in 1932 that many Governments, including those of some Great Powers, were giving the League far less whole-hearted support than might justly be expected from signatories of the Covenant, and were inclined not infrequently to treat the League, not as the central and supreme instrument of international action, but as an inconvenience to States that preferred to go their way untrammelled by any formal and standardized procedure. The fondness for private conversations, as distinct from the more public methods practised at Geneva, was again in evidence, as it periodically is.

If this were to be regarded as the beginning of a new turn in the League's progress anxiety about Geneva and all it stands for might be justified. But there is nothing to warrant any such conclusion. The League, like other institutions, has its periods both of prosperity and of adversity, and balanced critics will take wide enough views to include both in their survey. And if the thirteen years of the League's progress from the beginning of 1920 to the end of 1932 are treated as a whole the process of steady growth and development will reveal itself unmistakably. When the First Assembly, in 1920, opened the League counted 42 Member-States. When the Thirteenth Assembly, in 1932, closed the number was 57. Two States with the standing of Great Powers, it is true, remained outside, but nothing had been more striking or encouraging in the previous decade than the progressively increasing co-operation of the United States, and to a less extent Soviet Russia, with the League. American representatives have a place on practically every one of the League's technical organizations and committees; America took a leading part in the Disarmament Conference and in preparations for the World Economic Conference; and her decision to become a full member of the Permanent Court of International Justice had been taken in principle and only awaited ratification by the Senate. Russia was slower in reaching the point of active co-operation with Geneva, but she has been represented at enough League Conferences, and sat on enough League Committees (including the Commission on European Union), to make it clear that if any joint action, to which Russia is willing to assent, should be called for League machinery would be effective for both dis-

cussion and execution as regards States outside its ranks as well as its own members The only important country still holding aloof at the end of 1932, apart from the United States and Russia, was Brazil To these may be added Egypt, Afghanistan, Nejd, Ecuador, and Costa Rica

After thirteen years, then, the League had, in the foundations laid by the Covenant, built up comprehensive and efficient machinery for dealing with any task referred to it under its original constitution, or likely to devolve on it from other sources The Assembly, through its arrangements for regular annual meetings, and still more through the special character imparted to it by the fact that its members meet pledged to uphold the ideals unequivocally set forth in the Covenant, has generated a cohesiveness and a disposition to make any reasonable sacrifices in the interests of constructive agreement which distinguish it markedly from other international conferences of which the world has had recent experience The Council, meeting at more frequent intervals, and with a proportionately larger share of responsibility falling on each of its ten members—while the number was still ten—developed a certain *esprit de corps* which tended to make it a matter of honour to carry through to success any task undertaken Some anxiety was expressed lest the increase in the number of Council members to fourteen should weaken the sense of unity manifest in the past, but on the whole misgivings have not been justified, though it is arguable on various grounds that the smaller number is preferable Yet it is in some ways to the third and subsidiary organ of the League, the Secretariat, that the whole Society so far owes most, for it is the Secretariat which gives the League

that element of permanence and continuity which enables it to apply itself tirelessly and without intermission to a particular problem till the solution is finally reached. The Council may meet for only some ten days at a time, but when it reassembles four months later it can take up its business again exactly where it was left, or rather with all the advantage of inquiries pursued and information acquired by the Secretariat in the intervening period. It is the Secretariat which, without ever initiating policy, for that lies entirely beyond its sphere, maintains contacts permanently with all members of the League, obtains and sets in order the facts on which the Assembly or Council or special committees must act, and informs itself continually of the way in which decisions by any of these parties are being executed. The very efficiency of the Secretariat indeed has exposed it to certain special dangers, for its importance in the international sphere has become such that various Governments have quite openly endeavoured to establish their citizens in positions of influence in an institution from which national obligations and solicitude for national interests ought to be sternly banished.

Meanwhile, in fields where it attracts less attention the League has initiated and is maintaining an invaluable mechanism of international co-operation. The Permanent Court of International Justice has rapidly made itself indispensable in a world of international contacts. Far more work has fallen to it than was originally expected, and none of its verdicts has ever been challenged. The technical organizations of the League—the Financial, the Economic, Health, Transit—have all, year by year, been accomplishing work of solid value. Of other activities, in connection, for

example, with drugs, the protection of women and children, mandates, slavery, something has been said in earlier chapters of this book Taken as a whole they represent the League in being and the League at work When it is remembered that down to 1920 the whole of this was non-existent, all that is necessary in vindication of the League has been said

Much is heard, particularly from speakers and writers with personal experience of Geneva, of the unique international "atmosphere" prevailing there Such an atmosphere unquestionably exists, and there are those who view it with some misgiving, as tending to impel delegates in a moment of enthusiasm to decisions or agreements which their Governments at home might subsequently decline to ratify Such cases have occurred sufficiently often to prove that the criticism is not unjustified The tendency none the less, must be looked on as a defect attendant (though it may be hoped not inevitably attendant) on a quality the existence of which is to be welcomed The League has beyond any doubt created new standards in international relationships The ideal of international co-operation embodied in the opening words of the Preamble of the Covenant has been realized to a degree that may astonish not merely cynics but optimists States do actually send their delegates, and increasingly responsible delegates (every Foreign Minister in Europe now habitually attends the Assembly), to co-operate internationally by any means possible rather than to seek merely the advantage of the country they represent Too much can no doubt be made of this characteristic of League gatherings as distinguished from other international conferences The difference, it may be conceded, is one merely of degree It exists none the less, and it provides the best possible demon-

stration that the League in thirteen years of practical work has not failed to realize the first ideals of its founders. Its future rests in the hands of the States that compose it. That is of course a commonplace, but commonplaces sometimes need repeating, and in this case it is too little realized by those citizens of every country from whom, under any democratic constitution, the Government of the country must in the last resort take its mandate, that even machinery as efficient as the League has created may be comparatively valueless if the Governments are not prepared to make full use of it.

In the earlier years of the League's existence a tendency was plainly visible, on the part particularly of the Greater Powers (the lesser States see in the Covenant their main charter of security), to regard the League as a useful clearing-house for the discussion of secondary questions, and to rely on direct diplomatic interchanges or conversations between groups of interested States for the settlement of those problems which most directly affect their country's destiny. Fortunately the entry of Germany resulted, so far at any rate as Europe is concerned, in a notable enhancement of the importance of Geneva as a place of negotiation and decision. The League was intended to concentrate the strength, the experience, and the conscience of the world in one comprehensive society, of which all States would be members and under which the interest of no single State or group of States would be dominant. It was to be impartial because it would be universal, and so long as it fails to be universal it cannot wholly fulfil its destiny. But still less can it fulfil it unless those States already members of the Society show that in all things they are ready to give it their full confidence.

## INDEX

- Aaland Islands, 60  
Arms, Private Manufacture, 76  
Arms, Traffic in, 76-77  
Austrian Reconstruction, 78-85  
  
Barcelona Transit Conference, 101  
Bolivia - Paraguay Dispute, 65  
Bondelswart Rebellion, 129  
Bourgeois, Leon, 12  
Briand, Aristide, 52  
Brussels Financial Conference, 95  
  
Calendar Reform, 102  
Cecil, Viscount, 13  
Clemenceau, 11  
Corfu Incident, 66  
Council (of League), 27-39  
Court, Permanent, of International Justice, 45-51, 142  
Covenant, 14, 15, 17-23  
Customs Formalities Conference, 98  
  
Danzig, 135-137  
Disarmament Conference, 74-76  
Drummond, Sir Eric, 15  
  
Easter, Fixation of, 103  
Economics Committee, 94-99  
Epidemics, Commission, 106
- Financial Assistance, Treaty on, 77  
Financial Committee, 94-99  
  
Gdynia, 137  
General Act, 52, 55  
Geneva Protocol, 55, 70-71  
Greco-Bulgarian Dispute, 49, 63, 64  
  
Harding, President, 31  
Health Organization, 104-110  
Hungarian Reconstruction, 85-87  
  
Intellectual Co-operation, 120-121  
International Labour Organization, 38-44  
International Relief Union, 120  
Iraq, 50, 66, 125  
  
Jugoslav-Albanian Dispute, 62  
  
Kellogg Pact, 49, 52, 53, 58  
  
Language Difficulty, 31-32  
Lausanne, Treaty of, 50, 66  
Locarno, Treaty of, 72  
  
Malaria Commission, 107  
Manchurian Dispute, 49, 64-65  
Mandates, 123-131  
Mandates Commission, 33, 124, 128-129, 144

- |  |  |
|--|--|
| Memel Dispute, 62  | Slavery, 119-120                           |
| Minorities, 139-145                                      | Sleeping-sickness Investigation, 106       |
| Morocco Tunis Decrees, 50, 65                            | Smuts, General, 13                         |
| Mutual Assistance, Treaty of,<br>70                      | Tariff Truce, 97                           |
| Opium Advisory Committee,<br>114                         | Temporary Mixed Commission, 68             |
| Opium Central Board, 115                                 | Thomas, Albert, 40                         |
| Optional Clause, 52, 55                                  | Transit Organization 100-<br>103           |
| Pan-American Conference, 65                              | Typhus Campaign, 105                       |
| Passport Convention 101                                  | Upper Silesia, 49, 60, 61                  |
| Permanent Advisory Committee on Armaments, 33            | Versailles, Treaty of, 15, 50,<br>132, 136 |
| Polish Minority Treaty, 140                              | Vilna Question, 59                         |
| Portugal, 91   | Wailing Wall, 130                          |
| Preparatory Commission for Disarmament Conference,<br>72 | Warsaw Health Conference,<br>105           |
| Prisoners, Repatriation of,<br>111-112                   | Washington Arms Conference,<br>31          |
| Railways Convention, 101                                 | Waterways Convention, 100                  |
| Refugees, 112-114  | White Slave Traffic, 118                   |
| Refugees, Greek, 87 89                                   | Wilson, President, 11, 13, 76              |
| Root, Elihu, 51  | <i>Wimbledon, S S</i> , 50                 |
| Rural Hygiene Conference,<br>107                         | Women and Children, Committee on, 117-119  |
| Saar Valley, 132-135                                     | World Economic Conference,<br>95-96        |
| Salter, Sir Arthur, 92                                   |  |



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